

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

Th-9a

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APPEAL STAFF REPORT DE NOVO REVIEW

APPEAL NO.: A-1-HMB-99-051

APPLICANTS: Wavecrest Village, L.L.C.
Cabrillo Unified School District
Boys and Girls Club of the Coastsides

AGENT: Patrick Fitzgerald

LOCAL GOVERNMENT: City of Half Moon Bay

SUBSTANTIAL ISSUE: The Commission found that the appeal of the local government action on this project raised a substantial issue on November 5, 1999.

PROJECT LOCATION: Approximately one mile south of downtown Half Moon Bay, bounded by Highway One to the east, Seymour Street right-of-way to the north, the Pacific Ocean to the west, and Marinero Avenue to the south, Half Moon Bay, San Mateo County (**Exhibits 1-3**).

PROJECT DESCRIPTION: Re-subdivision of 217 parcels into 235 parcels; construction of 225 single-family market-rate residences; 46 affordable housing residences; Middle School and outdoor recreation on 25.3 acres; Boys and Girls Club on 2.8 acres; community sports fields on 9.8 acres; 10 commercial and retail buildings on 12 acres; open space; stormwater detention basin on 7.7 acres; wetland restoration; onsite lateral public access trails and parking; vertical beach access stairway at Poplar State Beach; improvement and creation of streets; and associated parking, infrastructure improvements and landscaping.

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APPELLANTS: Leonard Beuth, et al; Helen J. Carey; Wayward Lot Investment Co. and San Mateo Land Exchange; and Commissioners Sara Wan and Shirley Dettloff.

SUBSTANTIVE FILE: See Appendix A

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1.0 EXECUTIVE SUMMARY

Project Description and Location

The proposed development is a large mixed-use project. The staff recommends approval with conditions as summarized below. The project contains residential and community-serving components.

The project includes:

- 225 single-family residences,
- 46 affordable housing units,
- A new middle school for the Half Moon Bay area, with the capacity for 1,150-students,
- A community-serving Boys and Girls Club,
- A public sports field,
- Retirement of 206 lots in an existing antiquated subdivision, and
- Associated road and infrastructure improvements.

Furthermore, the applicants propose to provide public shoreline access improvements, including the construction of a significant segment of Half Moon Bay's Coastside Trail, public parking, and a vertical beach accessway at Poplar State Beach. Additional features of the proposed project include the dedication of more than 90 acres of open space, the creation of a 7.7-acre detention pond to treat stormwater runoff and agricultural drainage, and the creation and restoration of wetland habitat. The development as proposed will be set back a minimum of 1,000 feet from the bluff edge. (See **Exhibit 4**).

The project site is located on a prominent site, lying between Highway 1 and the ocean. The project site comprises a 207.5-acre portion of the 480-acre North Wavecrest Planned Development District (PDD) as defined in the City of Half Moon Bay certified Local Coastal Program Land Use Plan. Resources on the site include scattered wetlands, wide open vistas from Highway 1 to the sea, and visually prominent tree stands that provide habitat for raptors. Informal paths to the beach are evident on the bluffs to the west of the proposed development area, although physical access to the beach is severely constrained by high, unstable bluffs.

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Wetland Fill for Restoration Purposes

The applicants propose to fill delineated wetlands for restoration purposes in two different areas of the project site for a total of approximately 2.3 acres of wetland fill. The wetlands proposed to be filled include the 1.2-acre former agricultural pond in the Northern Residential Neighborhood site and 1.1 acres of the agricultural drainage ditch that crosses the property.

According to Coastal Act/LUP Policy 30233(a)(7), the Commission may permit the proposed wetland fill if it is necessary for restoration purposes. Proposing fill as fill for “restoration purposes” should not be used as a means to circumvent the strict limits in Section 30233(a) on the purposes for which fill may be placed. It is not enough for an otherwise impermissible use of proposed fill to be allowed as fill for restoration purposes simply because an applicant may provide a substantial amount of mitigation that results in a net enhancement of habitat values. Otherwise, the limits of Section 30233(a) on the uses of fill would have little meaning and the limited amount of wetland acreage that remains in the coastal zone would be viewed as developable for any use so long as mitigation is provided. Wetland fill for restoration purposes as used in Coastal Act Section 30233(a)(7) must therefore substantially increase wetland acreage and values. In addition, wetland fill may not be permitted as restoration under Section 30233(a)(7) unless it is physically necessary to fill wetlands to achieve these wetland restoration goals. Accordingly, in order for fill to qualify as fill for restoration purposes pursuant to Section 30233(a)(7), it must be physically necessary to fill the wetlands in order to substantially increase wetland acreage and values.

With regard to the fill of the proposed drainage ditch, by redirecting runoff to the southern wetland area, the proposed restoration work will provide a permanent water source to support the continued existence of the southern area wetlands independent of water that has been intermittently supplied from nurseries located on a neighboring property. Because providing this permanent water source to the wetlands requires the drainage to be rerouted to the area south of Wavecrest Road, the resulting 1.1 acres of wetland fill is physically necessary to accomplish the wetland restoration goals and objectives of the project. Therefore, the proposed fill of the drainage ditch to redirect runoff to the southern wetland area and provide such wetlands with a permanent water source is fill for restoration purposes.

However, the applicants have not provided a detailed wetland restoration plan, and, as stated above, the wetlands in the southern project area have not been delineated. Without a detailed restoration plan and delineation, the Commission cannot fully assure that the applicants’ proposal will substantially increase wetland acreage and values. Therefore, **Special Condition 2** requires the applicants to submit, for the review and approval of the Executive Director, a detailed wetland restoration plan.

With regard to the fill of the agricultural pond, based on the information provided by the applicants, it is not necessary to fill the existing pond to achieve these wetland restoration goals and objectives; these goals can be achieved by restoring the pond in place. Consequently, staff recommends that the Commission find that as proposed, the fill of the agricultural pond fails to qualify as fill for restoration purposes. Because at this time the applicants have not demonstrated that the proposed fill and relocation of the former agricultural pond is necessary to achieve restoration purposes, staff also recommends that the Commission impose **Special Condition 1**. **Special Condition 1** prohibits filling of the pond unless the applicants obtain a permit

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amendment approved by the Commission that demonstrates to the satisfaction of the Commission that the goals and objectives of the restoration project can only be achieved through the fill and relocation of the pond.

The applicants propose to treat the offsite agricultural and stormwater runoff along with the stormwater runoff generated on the development site through the creation of a 7.7-acre detention pond. As proposed by the applicants and as further required by recommended conditions (**Special Conditions 8, 9, and 10**), the stormwater system and detention pond will be designed, monitored, and maintained to improve the quality of the agricultural drainage and stormwater runoff that is currently discharged from the site to the ocean. Therefore, the project will provide substantial benefits to the quality of coastal waters. Only through the implementation of the polluted runoff treatment components of the proposed project will these water quality benefits be provided.

In addition to the water quality benefits that will be provided by the proposed development, the detention pond will provide new wetland habitat. As recommended by staff (**Special Condition 9**), the detention pond will be designed and managed to provide emergent wetlands, riparian habitat, and associated upland habitat useful to California red-legged frogs, San Francisco garter snakes, and wetland bird species. But for the proposed development, this wetland habitat would not be created on the project site. This new wetland is expected to provide habitat superior to that provided by the existing drainage ditch.

Raptors

The project area provides nesting, foraging, perching, and roosting habitat for raptors, which are considered a unique species under the LCP. As proposed, the project includes the development of a Boys and Girls Club and affordable housing units south of Wavecrest Road where prominent tree stands affords perching and roosting spots for raptors. Although these trees provide perching and roosting spots for some raptors, the trees do not provide nesting habitat, and the evidence available as of the date of this report does not support a determination that this area is an environmentally sensitive habitat area as defined by the LCP. However, the LCP requires protection of the cypress and eucalyptus tree stands in the North Wavecrest PDD from disturbance, and requires replacement vegetation to mitigate the removal of notable tree stands and windrows. The staff therefore recommends that the Commission impose requirements for the applicants to minimize the removal of existing trees in the Central area, protect existing trees in the Central area to the maximum extent feasible, and replace trees removed in notable tree stands (**Special Condition 4**). The condition requires the submittal of a tree removal and revegetation plan for the Executive Director's review and approval prior to the issuance of the permit. The staff also recommends that the Commission impose prohibitions on development within 650 feet of an active raptor nest in the Western area (**Special Condition 3**).

Water Quality

The proposed project will result in a significant increase in impervious surfaces, thus increasing stormwater runoff from the project site. Future irrigation on the site will also increase runoff. Construction activities, vehicles, and other land uses will create the risk of sedimentation and introduction of pollutants into runoff from the site.

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The applicants propose to treat urban runoff through a system of gutters and storm drains, feeding into a 7.7-acre detention pond in the western portion of the project. While an important component of water quality measures on the site, the detention pond should be enhanced with active maintenance and monitoring, to ensure future success at accommodating and treating urban runoff. Thus, the staff recommends that the Commission require additional water measures, such as the preparation of a grading plan, an erosion control plan, a stormwater pollution prevention plan, and a water quality monitoring plan (**Special Conditions 6, 7, 8, and 10**).

Public Access and Recreation

The proposed development includes a variety of activity-generating land uses. Additional residents and visitors on the property will place significant increased demands on public beach access in the project vicinity.

Both the Coastal Act and the Half Moon Bay Local Coastal Program require access to be provided to and along the shoreline as a condition of the development of the project site. For instance, LUP Policy 9.3.6(g) requires that as a part of any new development in the Wavecrest District, vertical accessways shall be constructed down the bluff to the beach. Section 30252(6) of the Coastal Act requires that new development maintain and enhance public access to the coast by assuring that the recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with the provision of recreational facilities to serve the new development.

The applicants propose to dedicate and improve a system of public access paths to provide vertical access from Highway 1 to the top of the bluff (but not down to the beach) at the northern boundary of the development. The applicants also propose to provide a vertical beach accessway at Poplar State Beach, or alternatively, an unspecified “fair share” contribution towards the future development of a vertical beach accessway at the end of Redondo Beach Road. Finally, the applicants propose construction of a north-south path that would serve as a link in the City’s Coastside Trail.

Provision of vertical access to the bluff and lateral access through the property, as proposed, is necessary, but not sufficient, to meet the goal of the Coastal Act to maximize public access. Therefore, the staff recommends that in addition to the proposed lateral public access improvements, the Commission require the applicants to either construct beach access facilities at the end of Redondo Beach Road, including a stairway and/or ramp to the beach, or to provide to the City sufficient funds to complete these improvements and parking prior to the construction of any residential unit (**Special Condition 11**). The staff further recommends that the Commission require the applicants to install public access signage to direct the public to the Coastside Trail and other lateral access trails and the vertical beach accessway in the vicinity of Redondo Beach Road (**Special Condition 14**). Lastly, the staff recommends that the Commission require the applicants to submit a Public Parking Plan for the provision of 225 public parking spaces at the end of Wavecrest Road to meet the needs of users of public access and recreation in the project area (**Special Condition 12**).

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Visual Resources

The project site, which slopes downward slightly from Highway 1 to the bluffs, affords broad coastal views of significant tree stands, the sea, and the coastal horizon. Heading north on Highway 1, Pillar Point is visible across the project site. The bay after which the town of Half Moon Bay is named is visible from only a few locations on Highway 1, this site being one of them. Furthermore, this site is one of the few remaining undeveloped areas in the City located seaward of Highway 1. To protect views from Highway 1 to the ocean, the applicants propose to dedicate a view corridor at the intersection of Highway 1 and the Main Street extension.

The project site, which is essentially undeveloped, presents an opportunity to design the development in a manner that will preserve the open space character of the site and protect public views of the coast, while allowing the proposed intensity of land use. Therefore, the staff recommends the preparation of a Scenic Corridor Plan (**Special Condition 15**) and a Landscaping Plan (**Special Condition 5**) designed to maintain the open views currently existing at the site.

Traffic

Only two regional highways connect Half Moon Bay to the larger Bay Area, and both highways already carry traffic at peak hours on weekdays and Saturdays in excess of their capacity. Although improvements to both highways are proposed by the City of Half Moon Bay, those improvements would be insufficient to assure satisfactory service levels in the future, given projected future growth.

The Local Coastal Programs of Half Moon Bay and San Mateo County predict substantial future residential growth in both jurisdictions, thus contributing to additional congestion on the highways. For instance, the Half Moon Bay LCP predicts that additional housing units in Half Moon Bay will increase over the next twenty years by 100 percent or more (an increase of 4,495 or more units in comparison to the 3,496 units existing in 1992). According to regional predictions contained in the San Mateo County Countywide Transportation Plan Alternatives Report, even with maximum investment in the transportation system, traffic volumes on both highways are predicted to be far in excess of capacity, if residential and commercial development proceeds as projected.

Up to 2,529 vacant residential lots already exist within the City of Half Moon Bay. Creation of new residential lots through subdivisions such as this one would significantly contribute to the long-term worsening of traffic congestion and a consequent limitation on the ability of the general public to reach area beaches and shoreline.

As proposed, the development would create 225 market-rate single-family residences, and retire 206 existing legal lots in the Redondo View Subdivision, with a net increase of 19 lots. Consequently, the project as proposed would not adequately offset its contribution to regional traffic congestion and would result in significant adverse cumulative impacts to public access and recreation. Therefore, the staff recommends that the Commission require the applicants to either: (1) reduce the number of new lots for market-rate residential development to 206, or (2) retire the development rights for an additional number of existing legal lots in the Mid-Coast Region, up to a maximum of 19, and equal to the number of new lots over 206 that are to be created for the construction of market rate single-family residences (**Special Condition 17**).

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Each mitigation lot must be an existing legal lot or combination of contiguous lots in common ownership and must be zoned to allow development of a detached single-family residence.

Housing

Of the 271 new housing units proposed by the applicants, 46 units are proposed as affordable housing. The LCP requires that at least 20 percent of the residential units developed within the Wavecrest PUD must be affordable to persons of low and moderate income. However, the 46 affordable units proposed represent only 17 percent of the 271 total. Thus, the proportion of market rate to affordable housing units as proposed by the applicants is insufficient to satisfy Zoning Code Section 18.35.020.A. Therefore, the staff recommends the Commission impose **Special Condition 18** requiring the applicants to submit for the review and approval of the Executive Director, prior to issuance of the permit, revised plans demonstrating that a minimum of 20 percent of the total number of dwelling units to be developed shall be priced at levels which are affordable to Low and Moderate Income households as defined by Zoning Code Section 18.35.015. To ensure that the subject housing units remain affordable for the life of the development and conform to all other applicable housing policies in the LCP, **Special Condition 18** requires the applicants to submit evidence that they have executed and recorded an Affordable Housing Agreement with the City consistent with the provisions of the City Zoning Code. In addition, in order to ensure that the affordable housing units remain affordable in perpetuity as a condition of the CDP and to provide future owners of the property notice of the affordable housing restrictions, the applicants must execute and record a deed restriction reflecting such restrictions.

2.0 STAFF RECOMMENDATION

The staff recommends that the Commission approve Coastal Development Permit Application A-1-HMB-99-0-51, subject to conditions, as follows:

MOTION:

I move that the Commission approve Coastal Development Permit No. A-1-HMB-99-051 subject to conditions pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development

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on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

2.1 Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

2.2 Special Conditions

1. Agricultural Pond in Northern Area

- A. The proposed fill of the former agricultural pond located in the Northern Residential Neighborhood area as generally depicted on **Exhibit 10** is prohibited unless authorized by the Commission through an amendment to this coastal development permit.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, applicants shall submit, for the review and approval of the Executive Director, **Revised Plans** for the northern project area demonstrating that no development other than the uses allowed within wetland buffers pursuant to Zoning Code Section 18.38.080 shall occur within 100 feet of the former agricultural pond in its existing location and configuration in the Northern Residential Neighborhood area as generally depicted on **Exhibit 10**. The permittee shall undertake development in accordance with the final revised plans approved by the Executive Director. No proposed changes to the final plans approved by the Executive Director shall occur without a Commission amendment to this coastal development permit.
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over the former agricultural pond and within 100 feet of the pond,

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reflecting the above restrictions on development in the pond and buffer areas. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the identified areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Southern Project Area Wetlands

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a detailed **Wetland Restoration Plan** for the restoration of all wetlands located in the Pasture and Central Areas south of Wavecrest Road as generally depicted on **Exhibit 11**. The plan shall also assure the creation of a minimum of 1.1 acres of functional wetlands in addition to the existing wetlands in this area of the project site. The Wetland Restoration Plan for the restored and created wetland areas (Wetland Restoration Area) shall include all of the following:

1. Adequate baseline data regarding the biological, physical, and chemical criteria for the restoration area, including, but not limited to a delineation undertaken in accordance with the definition of wetlands contained in the certified City of Half Moon Bay Local Coastal Program of all wetlands currently present in area South of Wavecrest Road;
2. Sufficient technical detail in the project design including, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on a base map of the restoration area, and maintenance techniques;
3. Detailed goals and objectives consistent with regional habitat goals. These goals and objectives must identify functions and or habitats most in need of enhancement or restoration, including but not necessarily limited to providing essential aquatic habitat suitable for the California red-legged frog with a permanent water source, control of non-native predators, and as further defined in Federal Register Notice 66 FR 14626-14758;
4. Documentation that the Wetland Restoration Area will continue to function as a viable wetland over the long term;
5. Documentation of performance standards that provide a mechanism for making adjustments to the Wetland Restoration Area when it is determined through monitoring, or other means that the restoration techniques are not working. Performance standards shall include specific time periods by which goals must be met to identify when remediation is necessary;
6. Documentation of the necessary management and maintenance requirements, and provisions for remediation as needed to ensure that the performance standards are fully satisfied;

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7. An implementation plan that demonstrates there is sufficient scientific expertise, supervision, and financial resources to carry out the proposed activities;
 8. A monitoring program that provides for independent monitoring of the restoration area to verify that the objectives of the restoration project are successfully met.
- B.** No development other than that authorized by the approved Wetland Restoration Plan required by Subsection A shall occur within the Wetland Restoration Area identified in Subsection A.
- C.** No development other than that allowed within wetland buffers pursuant to Zoning Code Section 18.38.080 shall occur within 100 feet of the Wetland Restoration Area identified in Subsection A.
- D. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** applicants shall submit, for the review and approval of the Executive Director, **Revised Plans** for the southern project area demonstrating that no development other than the uses allowed within wetland buffers pursuant to Zoning Code Section 18.38.080 shall occur within 100 feet of the either the restored or existing wetlands located in the Wetland Restoration Area identified in Subsection A. The permittee shall undertake development in accordance with the final revised plans approved by the Executive Director. No proposed changes to the final plans approved by the Executive Director shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- E. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over the Wetland Restoration Area and within 100 feet of the Wetland Restoration Area, reflecting the above restrictions on development in the Wetland Restoration and buffer areas. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the identified areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- 3. Raptor Protection in Western Area**
- Within thirty days prior to any clearing, grading or other construction or heavy activity within the Western Area as generally depicted on **Exhibit 20**, a qualified biologist shall survey the entire Western Area proposed for grading or construction, including trees and other vegetation, and the area within 650 feet of the proposed development for signs of raptor nesting. All development is prohibited within a radius of 650 feet of nesting raptors until a qualified biologist determines that the fledglings have left the nest and the nest has been abandoned.
- 4. Tree Protection Plan for Central Area**
- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicants shall provide, for the review and approval of the Executive Director, a **Tree**

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Protection Plan for the Central Area located south of Wavecrest Road and generally depicted on **Exhibit 19** that includes but is not limited to the following components:

1. The plan shall be designed to retain the maximum number of existing trees in the Central Area as depicted on **Exhibit 19**, but in no event shall the plan protect fewer than 65 trees in the Central Area of the project site.
 2. The plan shall be designed to allow maximum use of the trees and vicinity by raptors.
 3. Each removed tree shall be replaced by a tree of a native or other appropriate species at a ratio of 1:1 within 200 feet of the original tree, to the maximum extent feasible. If such a distance is infeasible, the replacement tree shall be planted within the Wavecrest Village Project area as identified under this permit.
 4. The applicants shall plant trees of varying ages and sizes.
 5. The applicants shall manage the replacement trees for the life of the development. Any replacement tree that dies during establishment shall be replaced.
 6. The plan shall show the locations, size, and species of all new and replacement plantings.
- B.** The permittee shall undertake development in accordance with the final plans approved by the Executive Director. No proposed changes to the final plans approved by the Executive Director shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Landscaping Plan

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Final Landscaping Plan** for all open space and common areas on the entire project site. The landscaping plan shall be designed to maintain open views to the coast and the bluffs seaward of the developed areas, and shall maximize use of drought tolerant native species. Planting of invasive exotic species is prohibited throughout the development site.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction over the project site, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicants' entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Grading Plan

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Final Grading Plan** specifying:

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1. The respective quantities of cut and fill and the final design grades and locations for all building foundations, streets, public accessways, the detention pond, and drainage pipes; and
2. The phasing of all grading during construction consistent with all terms and conditions of A-1-HMB-99-051.

B. Grading shall be conducted in strict conformity with the approved Grading Plan, Erosion Control Plan, SWPPP, and Wetlands Protection Plan. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Erosion Control

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall provide, for the review and approval of the Executive Director, an **Erosion Control Plan** to reduce erosion and, to the maximum extent practicable, retain sediment on-site during and after construction. The plan shall be designed to minimize the potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. The Erosion Control Plan shall incorporate the Best Management Practices (BMPs) specified below.

1. Erosion & Sediment Source Control

- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. Land clearing activities should only commence after the minimization and capture elements are in place.
- b. Time the clearing and grading activities to avoid the rainy season (October 15 through April 30).
- c. Minimize the area of bare soil exposed at one time (phased grading).
- d. Clear only areas essential for construction.
- e. Within five days of clearing or inactivity in construction, stabilize bare soils through either nonvegetative BMPs, such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- f. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- g. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.

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- h. Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from any wetlands or drainages. Stockpiled soils shall be covered with tarps at all times of the year.
- i. Excess fill shall not be disposed of in the Coastal Zone unless authorized through either an amendment to this coastal development permit or a new coastal development permit.

2. Runoff Control and Conveyance

- a. Intercept runoff above disturbed slopes and convey it to a permanent channel or stormdrains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- b. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.

3. Sediment-Capturing Devices

- a. Install stormdrain inlet protection that traps sediment before it enters the storm sewer system. This barrier could consist of filter fabric, straw bales, gravel, or sand bags.
- b. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
- c. Construction of the detention pond and constructed wetlands, as further described in **Special Conditions 2 and 9**, shall be completed during the first phase of project grading. Sediments collected in the detention pond during project construction shall be removed prior to occupancy of the residential neighborhood.
- d. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences should be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.

4. Chemical Control

- a. Store, handle, apply, and dispose of pesticides, petroleum products, and other construction materials properly.
- b. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.
- c. Develop and implement spill prevention and control measures.
- d. Provide sanitary facilities for construction workers.
- e. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be

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disposed of at a location not subject to runoff and more than 50 feet away from a stormdrain, open ditch or surface water.

- f. Provide adequate disposal facilities for solid waste, including excess asphalt, produced during construction.
- g. Develop and implement nutrient management measures. Properly time applications, and work fertilizers and liming materials into the soil to depths of 4 to 6 inches. Reduce the amount of nutrients applied by conducting soil tests to determine site nutrient needs.

B. Erosion Control Monitoring and Maintenance.

- 1. Throughout the construction period, the applicants shall conduct regular inspections of the condition and operational status of all structural BMPs provided in satisfaction of the approved Erosion Control Plan. The applicant shall report the results of the inspections in writing to the Executive Director prior to the start of the rainy season (no later than October 15th), after the first storm of the rainy season, and monthly thereafter until April 30th for the duration of the project construction period. Major observations to be made during inspections and reported shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed.
- 2. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed property entry as needed to conduct on-site inspections throughout the construction period.
- 3. All BMP traps/separators and/or filters shall be cleaned at minimum prior to the onset of the storm season and no later than October 15th each year.
- 4. Sediment traps/basins shall be cleaned out at any time when 50% full (by volume).
- 5. Sediment shall be removed from silt fences at any time when it reaches 1/3 the fence height.
- 6. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.
- 7. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described above.

C. The applicant shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan and the Wetlands Protection Plan.

D. The permittee shall undertake development in accordance with the final erosion control plans approved by the Executive Director. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. Stormwater Pollution Prevention

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a **Stormwater Pollution Prevention Plan (SWPPP)**. The SWPPP shall demonstrate that the approved development shall maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels, and reduce the post-development loadings of Total Suspended Solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings. The SWPPP shall incorporate the Best Management Practices (BMPs) described below.

1. Minimize Creation of Impervious Surfaces

- a. Design residential streets for the minimum required pavement widths needed to comply with all zoning and applicable ordinances to support travel lanes, on-street parking, emergency, maintenance and service vehicle access, sidewalks, and vegetated open channels.
- b. Minimize the number of residential street cul-de-sacs and incorporate landscaped areas to reduce their impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and vehicle turnarounds. Alternative turnarounds shall be employed where allowable.
- c. Avoid curb and gutter along driveways and streets where appropriate.
- d. Incorporate landscaping with vegetation or other permeable ground cover in setback areas between sidewalks and streets.
- e. Use alternative porous material/pavers (e.g., hybrid lots, parking groves, permeable overflow parking, crushed gravel, mulch, cobbles) to the extent practicable for sidewalks, driveways, parking lots, or interior roadway surfaces.
- f. Reduce driveway lengths, and grade and construct driveways to direct runoff into adjacent landscaped areas.
- g. Direct rooftop runoff to permeable areas rather than driveways or impervious surfaces in order to facilitate infiltration and reduce the amount of stormwater leaving the site.

2. Roads and Parking Lots

- a. Install vegetative filter strips or catch basin inserts with other media filter devices, clarifiers, grassy swales and berms, or a combination thereof to remove or mitigating oil, grease, hydrocarbons, heavy metals and particulates from stormwater draining from all roads and parking lots.
- b. Roads and parking lots should be vacuum swept monthly at a minimum, to remove debris and contaminant residue.

3. Landscaping

- a. Native or drought tolerant adapted vegetation should be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.

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- b. Where irrigation is necessary, the system must be designed with efficient technology. At a minimum, all irrigation systems shall have flow sensors and master valves installed on the mainline pipe to ensure system shutdown in the case of pipe breakage. Irrigation master systems shall have an automatic irrigation controller to ensure efficient water distribution. Automatic irrigation controllers shall be easily adjustable so that site watering will be appropriate for daily site weather conditions. Automatic irrigation controllers shall have rain shutoff devices in order to prevent unnecessary operation on rainy days.

B. Stormwater Pollution Prevention Maintenance and Monitoring

1. The applicant shall conduct an annual inspection of the condition and operational status of all structural BMPs provided in satisfaction of the approved SWPPP including the detention basin. The results of each annual inspection shall be reported to the Executive Director in writing by no later than June 30th of each year for the following the commencement of construction. Major observations to be made during inspections and reported shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed property entry as needed to conduct on-site inspections of the detention basin and other structural BMPs.
2. All BMP traps/separators and/or filters shall be cleaned prior to the onset of the storm season and no later than October 15th each year. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.
3. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described above.

C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction over the project site, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicants' entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

9. Detention Pond

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide, for the review and approval of the Commission, after consultation with the USFWS and the Department of Fish and Game, a **Detention Pond Plan** for the design, construction, maintenance and monitoring of the proposed detention pond in the Western Area as generally depicted on **Exhibit 20** to provide:

1. Wetland habitat suitable for use by California red-legged frogs.

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2. Habitat suitable for use by San Francisco garter snakes.
3. Habitat suitable for use by wetland bird species.
4. Emergent wetlands, riparian habitat, and associated upland.
5. A minimum 100-foot buffer around the perimeter of the detention basin vegetated with a mixture of dense native riparian and upland shrubs and low trees typical of natural coastal bluff terrace, riparian, and wetland communities in this region.
6. Improved water quality through removal of fine sediments, phosphorous, and nitrogen.
7. Regular maintenance of the detention basin in perpetuity, including sediment removal and mowing to maintain the water quality treatment and habitat functions.
8. A permanent funding source for the long-term maintenance of the detention basin.
9. Ensure the detention basin shall be sized appropriately to treat 100% of the agricultural drainage conveyed through the development site and, consistent with the terms of the proposed project description, the runoff generated from up to and including the 1.2-inch, 24-hour rainfall event.

B. PRIOR TO COMMENCEMENT OF CONSTRUCTION of any residential unit authorized by A-1-HMB-99-051, the applicant shall construct the detention pond in accordance with the plan approved by Commission. No changes to the detention pond plan approved by the Commission shall occur without a Commission amendment to this coastal development permit.

C. No development, as defined in section 30106 of the Coastal Act shall occur in the detention pond except for maintenance in accordance with Subdivision 9.A.7 of this permit condition above.

D. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, and after the Commission has approved the plan for the detention pond required by **Special Condition 9.A**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over the entire project site, reflecting all restrictions on development in the detention pond. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the detention pond. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

10. Water Quality Monitoring

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director a **Water Quality Monitoring Plan (WQMP)**. The WQMP shall be designed to evaluate the effectiveness of the SWPPP to protect the quality of surface and groundwater and shall provide the following:

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1. The WQMP shall specify sampling locations appropriate to evaluate surface and groundwater quality throughout the project site, including, but not limited to the detention pond outlet, sports fields, Wetland Restoration Area required by **Special Condition 2**, and major storm drains.
 2. The WQMP shall specify sampling protocols and permitted standards for all identified potential pollutants including, but not necessarily limited to: heavy metals, pesticides, herbicides, suspended solids, nutrients, oil, and grease.
- B.** Beginning with the start of the first rainy season (October 15 - April 30) following commencement of development and continuing until three years following completion of all grading, landscaping and other earth disturbing work, surface water samples shall be collected from the detention pond outlet during the first significant storm event of the rainy season and each following month through April 30. Sampling shall continue thereafter in perpetuity on an annual basis during the first significant storm event of the rainy season.
- C.** If an exceedance of any water quality standards specified in the WQMP occurs, the applicant shall conduct an assessment of the potential sources of the pollutant and the potential remedies. If it is determined based on this assessment that applicable water quality standards have not been met as a result of inadequate or failed BMPs, corrective actions or remedies shall be required.
- D.** If potential remedies or corrective action constitute development, as defined in Section 30106 of the Coastal Act, an amendment to this permit shall be required.
- E.** Results of monitoring efforts shall be submitted to the Commission upon availability.
- F. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction over the project site, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicants' entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

11. Vertical Access

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall obtain Commission authorization of a **Beach Access Plan** for the design and construction of a public beach accessway at the end of Redondo Beach Road from the top of the bluff to the beach. The Beach Access Plan shall include but is not limited to the following components:
1. Alternative designs and locations for a stairway, ramp, or combination of stairs and ramps from the top of the coastal bluff at the end of Redondo Beach Road to the beach. One alternative considered shall be as generally depicted in **Exhibit 25**.

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2. Improvements to the existing parking lot at the end of Redondo Beach Road to provide 50 public access parking spaces.
3. Public beach access signage at the intersection of Redondo Beach Road and Highway 1 and at the end of Redondo Beach Road to inform the public of the right to use pedestrian access to the shoreline near the end of Redondo Beach Road.
4. Evidence that the County, City, and/or other private landowners agree to the construction of the access improvements on publicly-owned and privately-owned land as needed to implement the access improvement plan.
5. An assessment of any potential impacts to environmentally sensitive habitat areas as defined LUP Policy 3-1 within the region of any proposed trail, stairway, and/or ramp from Redondo Beach Road to the beach.
6. A detailed budget and schedule for the construction of the improvements described in the plan including the costs of obtaining easements or other property interests as needed.

B. PRIOR TO COMMENCEMENT OF CONSTRUCTION of any residential unit authorized by A-1-HMB-99-051, the permittees shall either:

1. Complete the construction of the trail and stairways/ramps from the existing parking area at the end of Redondo Beach Road to the beach in accordance with the approved plan; or
2. Provide to the City of Half Moon Bay, in accordance with a letter of agreement between the Executive Director, the City and the applicants, sufficient funds to complete the construction of the trail and stairways/ramps from the existing parking area at the end of Redondo Beach Road to the beach in accordance with the approved plan.

12. Public Parking

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Public Parking Plan** for the design and construction of public parking lots at Wavecrest Road near the sports fields and other areas within the project site as necessary to provide a minimum of 225 public parking spaces in perpetuity to serve the active recreation and open space areas within the Wavecrest Village project site. The Public Parking Plan shall include adequate signage to clearly indicate the areas available for public parking within the project site.
- B. PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the permittees shall complete the construction of at least

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225 public parking spaces and installation of associated signage in accordance with the approved Public Parking Plan.

- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over the property containing the public parking area(s) identified in the approved Public Parking Plan, restricting these areas exclusively for public parking use in perpetuity. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the identified public parking areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

13. Coastside Trail and Evidence of Easement Dedication

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and as indicated in the proposed project description, the applicants shall submit, for the review and approval of the Executive Director, written evidence that a public access easement for the Coastside Trail has been dedicated in perpetuity to the City of Half Moon Bay. The easement shall consist of a 15-foot-wide public access easement for the Coastside Trail, as shown in the Public Coastal Access Route and generally depicted in **Exhibit 22**, and as further described as follows:

1. The northerly Coastside Trail segment shall be aligned to meet the accessway bridge across the County drainage channel, at the northerly boundary of the Western Area.
2. The blufftop Coastside Trail segment shall maintain a 100-foot setback from the edge of the top of bluff. A connecting trail link to the public bluff top leading to a vista point near the southwesterly corner of the Western Area may be permitted to be located within the 100-foot bluff edge setback area.
3. The north-south Coastside Trail segment between the Western Area and Redondo Beach Road shall be located outside any delineated wetland, but may be located in the 100-foot-wide buffer of any delineated wetland.

- B.** The recorded document shall include legal descriptions of the applicants' entire parcel(s) and the easement area. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition.

- C. PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the applicants shall complete construction of a 10-foot-wide, all-weather surface pathway within the Coastside Trail easement, open the trail to the public, and install public access signage as specified in **Special Condition 14** below.

14. Public Access Signage

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a **Public Access Signage Plan** that includes written evidence of Caltrans approval of any encroachment permit(s) required for signs proposed to be located within the Highway 1 right-of-way. The signage plan shall be designed to direct the public to the Coastside Trail and the Redondo Beach Accessway with appropriately sized signs to be installed at the following locations:

1. In or adjacent to the Highway 1 right-of-way north and south at appropriate locations to indicate the public accessways at the Main Street extension (Smith Parkway), Wavecrest Road, and Redondo Beach Road;
2. In or adjacent to the intersection of the Main Street extension and Street C;
3. In or adjacent to the intersection of Wavecrest Road and Street C;
4. In or adjacent to the intersection of the Occidental Street right-of-way and Redondo Beach Road;
5. At the parking lot at the end of Wavecrest Road;
6. In or adjacent to the Coastside Trail bridge over the County drainage channel, north of Parcel I, at the southerly terminus of the Coastside Trail on Parcel I; and
7. At all Coastside Trailheads.

B. PRIOR TO COMMENCEMENT OF CONSTRUCTION of any residential unit authorized by A-1-HMB-99-051, the applicants shall complete the installation of all public access signage indicated in the approved signage plan. The signs shall be maintained by the applicant for the life of the development authorized by A-1-HMB-99-051. No changes to the signage plan approved by the Executive Director shall occur without a Commission amendment to this permit unless the executive director determines no amendment is required.

15. Offer to Dedicate Scenic Corridor Easement

A. No development, including landscaping, within the Scenic Corridor identified in the May 2001 Wavecrest Village Illustrative Plan (**Exhibit 4**), shall interfere with or in any way block the existing views of the ocean from the intersection of Highway 1 and Main Street that are documented pursuant to Subdivision B of this permit condition.

B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director: (1) photo

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documentation of the existing views of the ocean from the intersection of Highway 1 and Main Street; and (2) evidence that development to be constructed pursuant to A-1-HMB-99-051 will not interfere with or in any way block the existing views of the ocean from the Intersection of Highway 1 and Main Street.

- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record , for the review and approval of the Executive Director, an irrevocable offer to dedicate a Scenic Corridor Easement in perpetuity over the scenic corridor identified in May 2001 Wavecrest Village Illustrative Plan (**Exhibit 4**). The recorded document shall include legal descriptions of the applicants' entire parcel(s) and the easement area. The recorded document shall also reflect that development in the easement area is restricted as set forth in Subdivision A of this permit condition. The offer shall be recorded free of prior liens and encumbrances which the executive director determines may affect the interest being conveyed. The offer shall run with the land in favor of the people of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

16. Evidence of Open Space Fee Title and Easement Dedications

A. Open Space Fee Title Dedications

1. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and as indicated in the proposed project description generally depicted in **Exhibit 4**, the applicants shall submit, for the review and approval of the Executive Director, written evidence that dedication of fee title to the riparian preserve parcel in the Pasture Area, the City sportsfields parcel in the western Ballfields Area, and the blufftop, partial bluff face, and view corridor open space parcel in the Western and Northeastern Areas has been dedicated to the City of Half Moon Bay in perpetuity for open space and conservation purposes.
2. No development, as defined in section 30106 of the Coastal Act shall occur in any of the fee title dedication areas identified in A.1 above except for:
 - a. Vegetation removal for fire management in accordance with a written weed abatement order from the Half Moon Bay Fire District and any coastal development permit required by the City of Half Moon Bay.
 - b. Development and maintenance of detention pond on the Western Area consistent with **Special Condition 9**.
 - c. Landscaping undertaken consistent with the approved Final Landscaping Plan.
 - d. Routine maintenance of the sportsfields.

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AND

3. The following development, if approved by a coastal development permit:
 - a. Minor construction associated with the sportsfields.
4. The recorded document shall include legal descriptions of the applicants' entire parcel(s) and the fee title dedication areas. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The recorded document shall also reflect that development in the fee title dedication areas is restricted as set forth in this permit condition.

B. Open Space Easement Dedications

1. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and as indicated in the proposed project description as generally depicted in **Exhibit 4**, the applicants shall submit, for the review and approval of the Executive Director, written evidence that easements have been dedicated to the City of Half Moon Bay in perpetuity for open space and conservation purposes, over the following geographical areas:
 - a. The landscape corridor along Highway 1 north of the Main Street extension and along the north side of the Smith Parkway/Main Street extension, between Highway 1 and the intersection with Street C;
 - b. The Smith Parkway/Main Street extension; and
 - c. Any neighborhood parks located in the northern residential area.
2. No development, as defined in section 30106 of the Coastal Act shall occur in any of the easement dedication areas identified in B.1 above except for:
 - a. Vegetation removal for fire management in accordance with a written weed abatement order from the Half Moon Bay Fire District and any coastal development permit required by the City of Half Moon Bay.
 - b. Landscaping undertaken consistent with the approved Final Landscaping Plan.
 - c. Grading, paving, installation of drainage and utilities, and other improvements associated with the development of the Smith Parkway/Main Street extension.

AND

3. The following development, if approved by the Coastal Commission as an amendment to this coastal development permit:

- a. Minor construction related to the development of any neighborhood park.

17. Cumulative Public Access Impact Mitigation

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit evidence, for the review and approval of the Executive Director, that the development rights have been permanently extinguished on at least 225 legal lots as specified herein such that the subdivision of property for market rate residences shall not result in a net increase of developable lots. If the applicants choose to reduce the number of new lots created for market rate residential development, the number of lots required to be extinguished may be reduced proportionately on a 1:1 basis such that the subdivision of property authorized herein shall not result in a net increase of legal lots for market rate residential development within that geographical area. The lots shall be extinguished only in the Mid-Coast Region of San Mateo County, an area that is generally depicted on **Exhibit 26** and that is primarily served by the segment of Highway 1 between its intersection with Highway 92 and Devil's Slide and/or by the segment of Highway 92 west of Highway 280. Each mitigation lot shall be an existing legal lot or combination of contiguous lots in common ownership and shall be zoned to allow development of a detached single-family residence. The legality of each mitigation lot shall be demonstrated by the issuance of a Certificate of Compliance by the City or County consistent with the applicable standards of the certified LCP and other applicable law.
- B.** For each development right extinguished in satisfaction of subdivision A of this permit condition, the applicants shall, prior to issuance of the coastal development permit execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an open space or scenic easement to preserve the open space and scenic values present on the property that is the source of the development right being extinguished and to prevent the significant adverse cumulative impact to public access to the coast that would result as a consequence of development of the property for residential use. Such easement shall include a legal description of the entire property that is the source of the development right being extinguished. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition. Each offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.
- C.** For each development right extinguished in satisfaction of subdivision A of this permit condition, the applicants shall, prior to issuance of the coastal development permit, also execute and record a deed restriction, in a form and content acceptable to the Executive Director, requiring the applicants to combine the property that is the source of the development right being extinguished with an adjacent already developed lot or with an

adjacent lot that could demonstrably be developed consistent with the applicable certified local coastal program. The deed restriction shall include legal descriptions of all combined and individual lots affected by the deed restriction. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

- D.** As an alternative to the method described in subsection B and C above, the applicants may instead, prior to issuance of the coastal development permit, purchase legal lots that satisfy the criteria in subsection A above and, subject to the review and approval of the Executive Director, dedicate such lots in fee to a public or private land management agency approved by the Executive Director for permanent public recreational or natural resource conservation purposes.

18. Housing

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, **Revised Plans**, demonstrating that a minimum of 20 percent of the total number of dwelling units to be developed shall be priced at levels that are affordable to Low and Moderate Income households as defined by Zoning Code Section 18.35.015.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record an Affordable Housing Agreement with the City of Half Moon Bay in a form and content acceptable to the Executive Director, reflecting the following affordable housing requirements and restrictions.
1. At least 25 percent of the affordable units shall be priced at levels that are affordable to Very Low and Low Income households as defined in Zoning Code Section 18.35.015.
 2. All affordable housing units constructed under this permit condition shall only be occupied by the qualified buyer or tenant, as defined by Zoning Code Sections 18.35.015.G and 18.35.015.H. Ownership units shall be owner-occupied. No sub-leasing or other transfer of tenancy of any ownership or rental unit is permitted.
 3. The affordable housing units constructed under this permit condition may be resold at any time on the open market to a qualified buyer as defined pursuant to Zoning Code Section 18.35.015.G.
- E. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above affordable housing requirements and restrictions or development of the property. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the areas subject to the restriction. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the

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enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

19. Caltrans Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall provide, for the review and approval of the Executive Director, written evidence of Caltrans final approval of any encroachment permit(s) required for construction proposed within the Highway 1 right-of-way.

20. Revised Vesting Tentative Tract Map

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a revised vesting tentative tract map approved by the City of Half Moon Bay which conforms with and reflects all conditions of approval of A-1-HMB-99-051.

21. Scope of Permit Approval

This permit authorizes only the development specifically identified in the Commission's findings. All development not specifically identified in the Commission's findings must obtain coastal development permits separate from this permit authorization.

3.0 PROJECT SETTING AND DESCRIPTION

3.1 Standard of Review¹

The Wavecrest Village Project is located within the City of Half Moon Bay in the California coastal zone. Section 30604(b) states that after certification of a local coastal program, a coastal development permit shall be issued if the issuing agency or the Commission on appeal finds that the proposed development is in conformity with the certified local coastal program. The standard of review for this project is therefore the certified Local Coastal Program (LCP) of the City. Pursuant to Section 30604(c) of the Coastal Act, the public access and recreation policies of the Coastal Act (Sections 30210 through 30224) are also the standard of review because the project is located between the first public road and the ocean.

Pursuant to Policy 1-1 of the City's certified Land Use Plan (LUP), the City has adopted the coastal planning and management policies of the Coastal Act (Sections 30210 through 30264) as the guiding policies of the LUP. Policy 1-4 of the City's LUP states that prior to issuance of any development permit, the [Commission] shall make the finding that the development meets the standards set forth in all applicable LUP policies. Thus, the LUP incorporates the Chapter 3 policies of the Coastal Act. These policies are therefore included in the standard of review for the proposed project.

¹ The full text of the LCP and Coastal Act referenced herein are attached as Appendix B of this report.

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The project site is located within the Planned Development District (PDD) designated in the City's LUP as the Wavecrest PDD. Section 9.3.6 of the LUP specifically addresses the development of the Wavecrest PDD, and includes Proposed Development Conditions for the development. Section 18.37.020.C of the City's Zoning Code states in relevant part:

New development within Planned Development Areas shall be subject to development conditions as stated in the Local Coastal Program Land Use Plan for each Planned Development...

Therefore, Proposed Development Conditions (a) through (r) contained in LUP Section 9.3.6 are included in the standard of review for this proposed project and are hereinafter referred to as LUP Policies 9.3.6(a) through 9.3.6(r).

Finally, the proposed Wavecrest Village Planned Unit Development/Specific Plan identifies standards which are not included within the certified LCP. Because the Specific Plan includes development standards which are different from those contained in the certified LCP, the Specific Plan can be considered an amendment to the certified LCP. Pursuant to Section 30514 of the Coastal Act, LCP amendments shall not take effect until certified by the Commission. Because the Specific Plan has not been certified by the Coastal Commission as an amendment to the LCP, it is not the standard of review for this coastal development permit application. Instead, as mandated by Sections 30604(b) and (c) of the Coastal Act, the proposed development will be assessed for its consistency with the certified LCP and the access and recreation policies of the Coastal Act.

3.2 Background

Appeal

On July 6, 1999, the City of Half Moon Bay approved a Specific Plan Development Agreement and associated coastal development permits (CDPs) for development of the 207.5 acre North Wavecrest Village area. The City's specific actions are listed in *Wavecrest Village Specific Plan, 1996* below.

Pursuant to Coastal Act Section 30603, an action taken by the City on a CDP application is appealable to the Coastal Commission for developments between the sea and the first public road paralleling the sea, and for developments located within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. Leonard Beuth, et al.; Helen J. Carey; Wayward Lot Investment Co. and San Mateo Land Exchange; and Commissioners Sara Wan and Shirley Dettloff appealed the City's approvals to the Commission within the Commission's appeal period. The appellants alleged that the project raised issues with the certified Local Coastal Program and the public access policies of the Coastal Act. Specifically, the appellants' contentions concerned the project's inconsistencies with policies regarding protection of sensitive habitats, provision of public access, protection of visual resources, new development and the availability of public services contained in the LCP, and inconsistencies with several Coastal Act policies cited in the City's LCP.

The Commission consolidated the separate permit approvals and heard the appeal on November 5, 1999. (The October 20, 1999 Adopted Findings staff report is contained in the administrative

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record.) The Commission found that the appeals raised a substantial issue regarding the conformance with the policies of the certified Local Coastal Program and the public access policies of the Coastal Act. As a result of the appeal and finding of substantial issue, the City's approvals of the CDPs have been stayed and are not effective. The Commission must now consider the entire application *de novo* (PRC §§ 30603, 30621, and 30625, 14 CCR § 13115).

3.3 Project Location

The Wavecrest Village Project is located entirely within the City of Half Moon Bay, approximately one mile south of downtown, at the intersection of Highway 1 and Main Street (**Exhibit 3**). The 207.5-acre site is bounded by Highway 1 to the east, the Seymour Street right-of-way to the north, the Pacific Ocean to the west, and Marinero Avenue to the south. Automobile access to the site is currently from Highway 1 via Wavecrest Road.

The surrounding land uses include passive open space, open space reserve, planned development, exclusive floriculture, visitor-serving commercial, and single-family residential areas. Passive open space exists to the north of the project site along the bluff. The West of Railroad Avenue PDD and Arleta Park, a residential neighborhood, is located to the north. A church is located on the adjacent mostly vacant parcel at the intersection of Highway 1 and the Seymour Street right-of-way.

To the east of Highway 1 and east of the project site are commercial general development, planned development, and open space reserve. An automobile dealership is located at the intersection of Main Street and the Seymour Street right-of-way. Commercial greenhouses exist adjacent to the project area's southeastern boundary, between Wavecrest Road and Redondo Beach Road. A church, daycare center, horse riding stable, and restaurant are also located in this area.

Ocean Colony, a private residential community, is located to the south of the Wavecrest Village Plan area.

The project area's western boundary abuts the Pacific Ocean. Approximately one-third of the blufftop is in the project area. The blufftop area south of the project area consists mostly of undeveloped gently sloping coastal bluff terrace. A model airplane runway and informal trails exist in this area.

Wavecrest Planned Development District (PDD)

The 207.5-acre Wavecrest Village Project is located within the 620-acre area designated in the LCP as the Wavecrest Restoration Project Planned Development District (PDD). The Wavecrest PDD consists of two project areas: the North Wavecrest Area (about 480 acres north of the Ocean Colony development) and the South Wavecrest Area (approximately 140 acres south of the Ocean Colony development). The Wavecrest Village Project is in the North Wavecrest Area, occupying the northern and central portion of the PDD.

The LUP designates seventeen areas of the City as PDDs. As defined in the LUP, a "Planned Development District" refers to:

... generally large, undeveloped parcels and areas suitable for residential use, with possible inclusion of neighborhood recreation facilities, commercial recreation, and

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office/industrial. The purpose of this designation is to prevent piecemeal development and to replan old subdivisions by requiring that the entire area or parcel be planned as a unit and be developed in accordance with such a plan. Use of flexible and innovative design concepts is encouraged. Refer to Section 9.3.2 for detailed requirements and permitted uses.

Zoning Code Section 18.15.015 supports the Planned Development District designation by zoning these areas as Planned Unit Development Districts (PDD) in the City's Implementation Plan and Zoning Map.

Section 9.3.2 explains the intent of the Planned Development District designation:

The purpose of the Planned Development designation is to ensure well-planned development of large, undeveloped areas planned for residential use in accordance with concentration of development policies. It is the intent of this designation to allow for flexibility and innovative design of residential development, to preserve important resource values of particular sites, to ensure achievement of coastal access objectives, to eliminate poorly platted and unimproved subdivisions whose development would adversely affect coastal resources, and to encourage provision for low and moderate income housing needs when feasible. It is also the intent of the Planned Development designation to require clustering of structures to provide open space and recreation, both for residents and the public. In some cases, commercial development such as convenience stores or visitor-serving facilities may be incorporated into the design of a Planned Development in order to reduce local traffic on coastal access roads or to meet visitor needs.

Section 9.3.6 of the LUP discusses the goals of planned development specific to the Wavecrest PDD (referred to as the Wavecrest Restoration Project) and the opportunities and constraints of the North and South Wavecrest Project Areas, and imposes 18 development conditions on the PDD. These conditions were adopted as LUP policies solely pertaining to development in the Wavecrest PDD.

The PDD designation is intended to achieve five goals: the consolidation and replatting of about 1,400 substandard lots in paper subdivisions; provision of public access to the coast; restoration and protection of riparian corridors and bluffs; establishment of a stable Urban/Rural Boundary to preserve the potential for agricultural use of vacant and idle land south of the City; and generation of funds to protect lands with agricultural potential located outside of the project area.

Projects in the Wavecrest Planned Development District

Wavecrest Restoration Project, 1981

The Wavecrest Restoration Project is one of seventeen areas designated for Planned Development in the City's LUP. The California Coastal Conservancy sponsored this project, which was approved by the Conservancy, the Coastal Commission, and the City in 1981, prior to the certification of the LUP in 1985 (Brady LSA January 1999 p.35; City of Half Moon Bay 1993). The project is intended to restore a large portion of small-lot subdivisions and deteriorated natural conditions to meet Coastal Act and Coastal Conservancy objectives, and to

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generate revenue to acquire prime agricultural land in the City which would otherwise be developed (Sanger 1981). Although references to the Conservancy Plan or to the Wavecrest Restoration Project are throughout the LUP, the project as planned never materialized. The Project Plan, however, was adopted as part of the LCP (**Exhibit 4**).

South Wavecrest Redevelopment Area, 1994

The South Wavecrest Redevelopment Project proposed the division of the South Project Area into two lots for the construction of an 18-hole golf course on approximately 122 acres. The construction included tree removal, grading, and onsite mitigation and restoration for riparian and wetland disturbance. The project also included the extension of Miramontes Point Road, construction of a golf cart/pedestrian bridge, offers to dedicate vertical and lateral public access easements, and the reservation of a parking lot for public use by recording a deed restriction. The construction of public access improvements included a 15-car public parking lot off Miramontes Point Road, two portable toilets permanently located near the parking lot, vertical trails between the parking lot and the bluff, a lateral blufftop trail, three scenic overlooks, and a connecting stairway to the beach). The Coastal Commission approved the CDP with conditions in December, 1994.

North Wavecrest Redevelopment Plan, July 1995

In 1994, the Community Development Agency of the City of Half Moon Bay prepared a Redevelopment Plan for the Half Moon Bay North Wavecrest Redevelopment Project. The Redevelopment Plan addressed the 480-acre north project area, and proposed the development of up to 750 housing units; an 18-hole golf course and driving range; a 10-acre RV park; a 35-acre community park; an 8-12-acre school site; and various visitor-serving commercial uses.

The Redevelopment Plan was adopted by the City Redevelopment Agency and the City Council in July 1995, subject to voter referendum. The voters rejected the Redevelopment Plan in November 1995.

In March 1994, the Redevelopment Agency had entered into an agreement (the First Amended and Restated Agreement for Advance Funds) with the North Wavecrest major property owners. The funding agreement included an agreement that if a Redevelopment Plan was not adopted by December 31, 1995, the Agency would work with the owners to replan their property to permit its development, consistent with the LCP. The Agency would further allow the owners to use data, reports, and studies undertaken in connection with the Redevelopment Plan to process development approvals on the property. The City joined in the agreement via a Cooperation Agreement. The project was not adopted.

Wavecrest Village Specific Plan, 1996

In June, 1996, Concar Enterprises, Inc. and North Wavecrest Partners, L.P. submitted an application to the City of Half Moon Bay for a Specific Plan Planned Unit Development Coastal Development Permit (CDP-11-96). The 1996 Specific Plan proposed the following on 178.3 acres: 345 medium-density residential units; visitor-serving commercial uses including retail, cabins or campsites, a recreational vehicle park, and landscaped areas. The Planning Commission took no action on this Plan, but gave the applicants and City staff further direction

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to continue working on issues of concern. A Wavecrest Subcommittee was formed to work with the applicants, and based on its recommendations, the City requested that the proposed Specific Plan be revised to better reflect the City's objectives for the property (City of Half Moon Bay Planning Department April 1999). In response, the applicants prepared a revised Specific Plan. The July, 2000 version of the Wavecrest Village Specific Plan is a revision of the 1996 Specific Plan.

A Draft EIR for the Wavecrest Village Specific Plan circulated for public review in February and March of 1999. The Final EIR with responses to comments was released in June 1999. The City Council recertified the Final EIR on July 6, 1999.

On July 1, 1999, the Planning Commission approved the following nine CDPs, subject to the City Council's approval of the Planned Unit Development and CDP for the Wavecrest Village Specific Plan:

1. certification of a Final Environmental Impact Report and approval of a Planned Unit Development and CDP for the Wavecrest Village Specific Plan;
2. approval of a CDP and Use Permit for the North Residential Neighborhood;
3. CDP and Use Permit for the South Residential Neighborhood (Market Rate Units);
4. CDP and Use Permit for the South Residential Neighborhood (Below-Market Rate Units);
5. CDP and Use Permit for Community Open Space;
6. CDP, Use Permit, and Site Design Permit for Middle School;
7. CDP, Use Permit, and Site Design Permit for Boys and Girls Club;
8. CDP and Use Permit for Community Park and Ball Fields; Phase 1-A, 1-B, and 1-C Vesting Tentative Maps and Coastal Development Permit; and
9. Development Agreement and Development Phasing Plan for the entire Wavecrest Village Specific Plan area.

On July 6, 1999, the City Council approved the CDPs listed above and signed Resolution C-56-99, the Wavecrest Village Specific Plan Planned Unit Development Permit and Coastal Development Permit, in which the City Council ratified and adopted the findings and decisions of the Planning Commission as set forth in Resolutions P-(22-28)-99. Four parties appealed to the Coastal Commission the City's approvals of the CDPs related to this project.

3.4 Project Description

Exhibit 4 is a site plan showing the proposed project under consideration by the Commission for a coastal development permit. For ease of identification, **Exhibit 5** labels the geographic areas of the proposed project. The Northeastern area is further divided into the northern residential area and the mixed-use area to the east. The components generally consist of the following on 206.7 acres in the Wavecrest PDD in the City of Half Moon Bay:

- Creation of 235 parcels from the existing 217 parcels in the applicants' legal interest²;

² The applicants' agent states that the merging of lots in the Redondo View antiquated subdivision to create Parcel C would not affect the City's transportation access easement to the privately-owned parcels in the subdivision that are not considered part the project.

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- Retirement of 206 lots in an antiquated subdivision located in the Central wetland area;
- Construction of public streets: the Smith Parkway/Main Street extension, Street C, Wavecrest Road, and the portion of Redondo Beach Road between Occidental Street right-of-way and Highway 1;
- Construction of private streets in the northern and southern residential areas as indicated on **Exhibit 4**;
- Construction of 46 affordable housing units (townhomes and apartments) on two parcels in the mixed-use and Central project areas on a total of about 3 acres;
- Construction of 156 market-rate single family homes on 156 residential lots of approximately 7,200 square feet each in the northern project area on 31 acres;
- Construction of 34 market-rate single family homes on 34 residential lots of approximately 7,200 square feet each in the southern project area on 7.6 acres;
- Construction of 35 market-rate single family homes on 35 residential lots of approximately 7,200 square feet in the mixed-use area on about 4 acres;
- Construction of Middle School with sports fields and 101 parking spaces on 25.3 acres;
- Reconfiguration and construction of 9.8-acre community ballfields;
- Construction of 26,850-square-foot Boys and Girls Club and 56 parking spaces on 2.8 acres;
- Fee-simple dedication to the City of riparian area and open space in the Western project area;
- Dedication of easements for public access of community open space, including ballfields, open space east of the western boundary of the ballfields, Highway 1 buffer, and 1.1 acres in the proposed residential subdivision;
- Construction of 7.7-acre detention pond;
- Installation of traffic improvements, including a four-way traffic signal at the intersection of Highway 1 and Smith Parkway/Main Street extension and turn lanes on Highway 1 and project area streets;
- Lateral extension of the Coastside Trail and other trails;
- Construction of vertical beach access at Poplar State Beach or the provision of sufficient funds to construct vertical access at the end of Redondo Beach Road;
- Installation of utilities (storm drain, sanitary sewer, and water); and
- Associated landscaping.

See **Exhibits 6** through **9** for the relevant project descriptions as submitted by the applicants.

3.5 Components Not Considered Under This CDP and Standard of Review

All development not specifically identified in the Commission's findings for this coastal development permit application must obtain coastal development permit(s) separate from this permit authorization.

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Five parcels in the Redondo View antiquated subdivision south of Wavecrest Road are under private ownership and are not included in the proposed project.

4.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

4.1 Wetland Fill for Restoration Purposes

4.1.1 Issue Summary

The applicants propose to fill delineated wetlands for restoration purposes in two different areas of the project site for a total of approximately 2.3 acres of wetland fill. The wetlands proposed to be filled include the 1.2-acre former agricultural pond in the Northern Residential Neighborhood site and 1.1 acres of the agricultural drainage ditch that crosses the property (**Exhibits 10 and 11**).

Coastal Act/LUP Policy 30233(a) prohibits filling of wetlands except for specific express purposes. Coastal Act/LUP Policy 30233(a)(7) provides that one of the purposes for which wetlands may be filled is “restoration purposes”. Thus, the Commission may permit the proposed wetland fill if it is necessary for restoration purposes.

Although restoration as used in Section 30233(a)(7) is not specifically defined in the Coastal Act or the Commission’s regulations, past Commission actions provide the Commission with guidance in applying this term. In addition, the California Wetlands Conservation Policy (Executive Order W-59-93) requires that all agencies of the State conduct their activities to ensure no overall net loss and a long-term gain in the quantity, quality, and permanence of wetland acreage and values. Based on these sources, the Commission finds that wetland fill for restoration purposes as used in Coastal Act Section 30233(a)(7) should substantially increase wetland acreage and values.

In addition, the Commission has previously found that wetland fill may not be permitted as restoration under Section 30233(a)(7) unless it is physically necessary to fill wetlands to achieve these wetland restoration goals (see for example CDP1-95-40, City of Pacifica.). Any other interpretation would circumvent the resource protection requirements of this policy by allowing fill for otherwise unpermitted uses, such as residential development, as long as the project includes a proposal to reconstruct wetlands in another location. Such an interpretation would be particularly damaging to wetland resources because wetland restoration projects are notoriously unsuccessful. The National Academy of Sciences report Restoration of Aquatic Resources states, for example,

Mitigation efforts cannot yet claim to have duplicated lost wetland functional values. It has not been shown that restored wetlands maintain regional biodiversity and recreate functional ecosystems (Zedler and Weller, 1989). There is some evidence that created wetlands can look like natural ones; there are few data to show that they behave like natural ones.

Thus, fill and relocation of functional wetlands simply to accommodate otherwise impermissible development would be inconsistent with the goal of substantially increasing wetland acreage and

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values. Rather, the fill must be necessary to accomplish the wetland restoration goals and objectives of the project.

Therefore, the Commission finds that to allow fill for restoration purposes in accordance with Coastal Act/LUP Policy 30233(a)(7): (1) the proposed fill must be physically necessary to accomplish the wetland restoration goals and objectives of the project, and (2) the restoration project will substantially increase wetland acreage and values.

4.1.2 LCP Standards

Pursuant to LUP Policy 1-1, the City adopted Coastal Act Policies 30210 through 30264 as guiding policies of the Land Use Plan. Thus, these specific policies are considered as LUP policies and are referenced as LUP/Coastal Act policies. LUP/Coastal Act Policy 30231 requires that the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes must be maintained in order to maintain optimum populations of marine organisms and to protect human health.

LUP/Coastal Act Policy 30233 limits the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes to specific purposes where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.

LUP Policy 3-11 and Zoning Code Section 18.38.080(D), prohibit development within 100 feet of wetlands.

Appendix A of the LUP defines wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground.

Zoning Code Section 18.02.040 defines wetland to be that definition of wetland as used and as may be periodically amended by the California Department of Fish and Game, the California Coastal Commission and the US Fish and Wildlife Service.

Zoning Code Section 18.8.010(J) states that the purpose and intent of the LCP's Coastal Resource Conservation Standards are to balance Coastal Act requirements for protection of fragile resources with requirements for the provision of shoreline access, acknowledging that the highest priority is given to environmentally sensitive habitat protection.

Zoning Code Section 18.38.020 defines coastal resource areas to include wetland. As defined in Appendix A of the LUP and by the US Fish and Wildlife Service, a wetland is an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground.

4.1.3 Discussion

Drainage Ditch

The southern portion of the site south of Wavecrest Road contains wetlands that have not been specifically delineated for purposes of this coastal development permit application (**Exhibit 12**). These wetlands are located in a low-lying area that drains to the beach through a deep arroyo.

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These physical features indicate that the wetland conditions present in this area are due, in part at least, to the site's natural drainage patterns. In addition, irrigation drainage from two commercial nurseries immediately to the east of the site provides a significant volume of water to this area. This artificial water source supports the continuance of wetland habitat in the southern project area and has probably increased the aerial extent of wetlands on the site.

The applicants propose to fill the wetlands in order to redirect storm water runoff and irrigation runoff from irrigated fields inland of Highway 1 to the wetlands in the southern project area (**Exhibit 13**). Currently, this runoff enters the site through a culvert beneath the highway, crosses the project site through an approximately 4,600-foot-long unlined drainage ditch and is discharged over the bluff through an eroded gully at the northwest corner of the Wavecrest Restoration Area (**Exhibit 12**)

The drainage course is vegetated predominantly with plants that typically grow in water or wet ground (hydrophytes) and is wet throughout most or all of the year. The presence of wetland plants in the drainage, in conjunction with the hydrology to support the growth of these plants, qualify the drainage ditch as wetlands under the Half Moon Bay LCP. The proposed redirection of the drainage would comprise approximately 1.1 acres of wetland fill. The applicants propose to redirect the runoff from the drainage to restore wetlands in the southern project area. As discussed above, the Commission must evaluate whether the proposed fill of the drainage: (1) is physically necessary to accomplish the wetland restoration goals and objectives of the project, and (2) would substantially increase wetland acreage and values.

Fill is Physically Necessary for Wetland Restoration

By redirecting runoff to the southern wetland area, the proposed development will provide a permanent water source to support the continued existence of the southern area wetlands independent of water that has been intermittently supplied from nurseries located on a neighboring property. Without a permanent water source, the wetlands in the southern project area would be dependent on the continued discharge of irrigation water from the nurseries. The nurseries that supply water to this wetland area are not located on the applicants' property and are neither owned nor operated by the applicants. Thus, the applicants currently lack the ability to control the discharge of irrigation water from the nurseries to the wetland habitat in the southern project area. Without the permanent water source that can be provided by rerouting the drainage ditch, any significant decrease in the nursery discharge to the wetlands would threaten the continued existence of the wetland acreage and values in this area. Because providing this permanent water source to the wetlands requires the drainage to be rerouted to the area south of Wavecrest Road, the resulting 1.1 acres of wetland fill is physically necessary to accomplish the wetland restoration goals and objectives of the project. Therefore, the Commission finds that the proposed fill of the drainage ditch to redirect runoff to the southern wetland area and provide such wetlands with a permanent water source is fill for restoration purposes.

Restoration Provides a Net Gain in Wetland Acreage and Values

The proposed wetland fill would assure the continuance of the existing wetlands by providing a permanent water source that is within the applicants' control. As such, the proposal would ensure the permanence of wetland acreage and values, consistent with one of the goals of the California Wetlands Conservation Policy. While there is a potential that the adjacent nurseries

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will either cease to operate or to discharge irrigation water into the southern area wetlands, it is not known if this will happen in the foreseeable future.

As stated above, in addition to ensuring that the proposed fill is physically necessary to achieve the restoration goals and objectives, the Commission must ensure that restoration goals and objectives are actually achieved. With regard to this latter requirement, the Commission must ensure that the diverted drainage will substantially increase wetland acreage and values. It is therefore crucial that the Commission evaluate the applicant's proposal to ensure that the proposed wetland fill would truly restore wetlands.

The applicants have not provided a detailed wetland restoration plan, and, as stated above, the wetlands in the southern project area have not been delineated. Without a detailed restoration plan and delineation, the Commission cannot fully assure that the applicants' proposal will substantially increase wetland acreage and values. Therefore, **Special Condition 2** requires the applicants to submit, for the review and approval of the Executive Director, a detailed wetland restoration plan.

As further specified in **Special Condition 2**, the restoration plan must provide for the creation of new essential aquatic habitat, including breeding habitat, suitable for the California red-legged frog as defined in the U.S. Fish and Wildlife Service Critical Habitat Designation for this species (66 FR 14626-14758). The critical habitat designation provides a detailed description of the characteristics of essential aquatic habitat and breeding habitat for the frog. Aquatic habitat essential to the red-legged frog, as further described in the critical habitat designation must include a low-gradient fresh water body, a permanent water source, and be free of non-native predators. To provide breeding habitat, the restored wetland must include an area with a minimum deep water depth of 0.5 meters and maintain water during the entire tadpole rearing season (at least March through July). By providing essential aquatic habitat for the red-legged frog, the restoration project will provide wetland habitat values and functions typical of functional wetlands in the Mid-Coast. To ensure that these restoration goals are met, **Special Condition 2** specifies that the restoration plan must include the following basic elements:

- Sufficient technical detail in the project design including, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the base map, and maintenance techniques;
- Adequate baseline data regarding the existing biological, physical, and chemical characteristics of the restoration area;
- Detailed objectives and goals consistent with regional habitat goals. These objectives and goals must identify functions and or habitats most in need of enhancement or restoration;
- Documentation that the project will continue to function as a viable wetland over the long term;
- Documentation of performance standards, including time periods, that provide a mechanism for making adjustments to the restoration site when it is determined through monitoring, or other means that the restoration techniques are not working;

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- Documentation of the necessary management and maintenance requirements, and provisions for remediation should the need arise;
- An implementation plan that demonstrates there is sufficient scientific expertise, supervision, and financial resources to carry out the proposed activities; and
- A monitoring program that provides for independent monitoring of the restoration area to verify that the objectives of the restoration project are successfully met.

The requirements of **Special Condition 2** are necessary to ensure that the diversion of the drainage ditch will substantially increase wetland acreage and values. Therefore, the Commission finds that as conditioned, the proposed 1.1 acres of wetland fill is allowable as fill for restoration purposes under Coastal Act/LUP Policy 30233(a)(7).

Alternatives Analysis

In accordance with Section 30233(a), wetland fill for restoration purposes may only be permitted if there is no less environmentally damaging feasible alternative. Therefore, while the proposed redirection of the drainage ditch, as conditioned, qualifies as fill for restoration purposes, it cannot be permitted unless the Commission determines that there is no less environmentally damaging feasible alternative to achieve the restoration goals and objectives of the project.

The restoration goals and objectives for the southern project area require that an additional and more secure source of water be provided for this area. Without this additional water source, the restoration project would not provide a net gain in wetland acreage and values. Thus, the no project alternative would not achieve the project goals.

The ditch is an artificial feature, averages only several feet wide, is straight-sided, has no associated riparian vegetation or ponded areas. Thus, although the proposed diversion of the drainage ditch would result in 1.1 acres of wetland fill, the environmental damage resulting from this wetland fill would be insignificant. There is also no evidence in the record that a less environmentally damaging feasible alternative exists to provide the additional water source to the wetlands that is necessary to achieve the restoration project objectives. Therefore, the Commission finds that the proposed fill of the drainage ditch meets the alternatives analysis requirement of Coastal Act/LUP Policy 30233(a).

Mitigation Measures

Coastal Act/LUP Policy 30233(a) also requires that for any allowable wetland fill, the project provide feasible mitigation measures to minimize adverse environmental effects. As discussed above, the drainage ditch provides only very limited wetland habitat functions because of its unnatural configuration. As conditioned, the proposed wetland restoration project would substantially increase wetland acreage and values. The approved restoration plan required pursuant to **Special Condition 2** will ensure that the restored wetlands provide a more functional wetland ecosystem than the existing drainage ditch provides. In addition, the approved restoration plan also requires the creation of 1.1 acres of functional wetlands in addition to the restoration of the existing wetlands in the southern area of the project site. Thus, the Commission finds that the proposed restoration project, as conditioned, will provide

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environmental benefits adequate to offset the adverse environmental effects of the proposed wetland fill consistent with the mitigation requirement of Coastal Act/LUP Policy 30233(a).

Buffers

In accordance with LUP Policy 3-11 and Zoning Code Section 18.38.080(D), development is prohibited within 100 feet of wetlands. Because a wetlands delineation has not been submitted for the southern project area, the Commission cannot evaluate whether the development proposed in this area will conform with the 100-foot wetland setback requirement specified under Zoning Code Section 18.38.080. Furthermore, the wetland restoration plan for this area will increase the aerial extent of these wetlands. However, because the applicants have not yet provided a detailed wetland restoration plan, there is no way at this time to determine specific wetland and corresponding wetland buffer boundaries. Therefore, as proposed, the Commission cannot find the proposed development to be in conformance with the wetland buffer requirements of the LCP.

Special Condition 2 requires the applicants to submit a wetland delineation that maps the wetlands currently present in the southern project area and a wetland restoration plan with sufficient detail to determine the boundaries of the wetland habitat as restored consistent with the criteria required by **Special Condition 2**. Pursuant to **Special Condition 2**, no development is permitted within 100 feet of the existing and future wetlands as established by the approved wetland delineation and restoration plan. If necessary, the applicants shall relocate or delete any development that does not meet the buffer requirement. Following the submittal of the wetland delineation and restoration plan, **Special Condition 2** requires the applicants to submit revised project plans demonstrating that the proposed development conforms with the 100-foot wetland buffer required under the LCP. Therefore, as conditioned, the Commission finds that the proposed development in the southern project area is consistent with the LCP wetland buffer requirement.

Former Agricultural Pond

A former agricultural pond is located in site of the Northern Residential Neighborhood. The pond was constructed between 1948 and 1958 to store groundwater for irrigation (Brady/LSA 1999). Although the pond was originally created for agricultural purposes, this use has been discontinued, and the proposed development will not continue any agricultural use of the site. Approximately 1.2 acres of the former agricultural pond is wet enough long enough to support the growth of hydrophytic plants and is therefore a wetland under the LCP.

The Commission's Regulation Section 13577(b)(2) provides that wetlands do not include:

"... wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and there is no evidence [...] showing that wetland habitat predated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands."
[Emphasis added]

Although the pond was originally created for agricultural purposes, the pond is no longer used for agricultural purposes and the proposed development will not continue this or any other

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agricultural use on the site. Since the pond is no longer used for agricultural purposes, the existing wetland habitat is no longer associated with an agricultural pond. Therefore, the Commission finds that the exemption provided in Section 13577(b)(2) does not apply to the subject wetlands that continue to exist independent of and disassociated from agricultural activities. In addition, filling of the former agricultural pond would support residential, not agricultural activities. The Commission thus finds that the exemption in CCR §13577(b)(2) is inapplicable to wetland fill for other than agricultural purposes. Consequently, the pond is subject to the wetland protection policies of the LCP.

The former agricultural pond is located within the area of the project site that the applicants propose to subdivide and construct 156 market rate detached single-family homes and associated street and utility improvements to create the Northern Residential Neighborhood (**Exhibit 4**). The pond is surrounded by six-foot tall earthen berms that prevent runoff from entering the pond and limit its value as wetland habitat. As proposed, the development of the Northern Residential Neighborhood would include relocating and reconfiguring the former agricultural pond, resulting in 1.2 acres of wetland fill. The applicants propose that this wetland fill would be for restoration purposes and thus permissible under Coastal Act Section 30233(a)(7). As discussed above, the Commission finds that to allow fill of the former agricultural pond for restoration purposes: (1) the proposed fill must be physically necessary to accomplish the wetland restoration goals and objectives of the project, and (2) the restoration project must substantially increase wetland acreage and values.

Fill is Not Necessary for Wetland Restoration

Based on the information provided at the time of the writing of the staff recommendation, the proposed relocation of the former agricultural pond is not necessary to accomplish the wetland restoration goals and objectives of the project. The applicants have provided a conceptual plan for the proposed restoration of the former agricultural pond (**Exhibit 29**). This conceptual plan states:

The overall goal for the restoration of the pond is to construct a wetland that is sustainable over time and which gradually transitions into surrounding upland—thereby providing habitat for wildlife that may use the seasonal wetland.

The plan specifies that these goals will be accomplished by excavating a similarly-sized area in a more natural configuration than the existing agricultural pond, diverting storm water runoff from the Northern Residential Neighborhood to the excavated area, transplanting wetland vegetation from the existing pond to the new pond and planting native coastal terrace species within the surrounding uplands.

Based on the information provided by the applicants, it is not necessary to fill the existing pond to achieve these wetland restoration goals and objectives; these goals can be achieved by restoring the pond in place. Consequently, the Commission finds that as proposed, the fill of the agricultural pond fails to qualify as fill for restoration purposes.

Because at this time the applicants have not demonstrated that the proposed fill and relocation of the former agricultural pond is necessary to achieve restoration purposes, the Commission must impose **Special Condition 1**. **Special Condition 1** prohibits filling of the pond unless the applicants obtain a permit amendment approved by the Commission that demonstrates to the

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satisfaction of the Commission that the goals and objectives of the restoration project can only be achieved through the fill and relocation of the pond. Therefore, the Commission finds that the proposed relocation of the former agricultural pond is prohibited as the proposed fill needed to relocate the pond is inconsistent with the allowable use limitations contained in Coastal Act/LUP Policy 30233(a)(7).

Restoration Provides a Net Gain in Wetland Acreage and Values

The conceptual restoration plan provided by the applicants does not include sufficient detail concerning the restoration project goals, design criteria, performance standards, methodologies, maintenance, remediation, or monitoring to demonstrate that the project would provide a net gain in wetland acreage and values. Without a detailed restoration plan that includes all of these elements, the Commission cannot find that the proposed 1.2 acres of wetland fill is allowable as fill for restoration purposes under Coastal Act/LUP Policy 30233(a)(7). As stated above, **Special Condition 1** prohibits filling of the pond unless the applicants obtain a permit amendment approved by the Commission that demonstrates to the satisfaction of the Commission that the goals and objectives of the restoration project can only be achieved through the fill and relocation of the pond. Likewise, in conjunction with any permit amendment to fill the agricultural pond as a necessary component of a bona fide restoration project, the applicant must submit a detailed wetland restoration plan that demonstrates that the project will substantially increase wetland acreage and values. Therefore, the Commission finds that the proposed relocation of the former agricultural pond cannot be allowed consistent with Coastal Act Section 30233(a)(7).

Alternatives Analysis

In accordance with Section 30233(a), wetland fill for restoration purposes may only be permitted if there is no less environmentally damaging feasible alternative. The Commission may not therefore permit the proposed fill and relocation of the former agricultural pond unless it determines that there is no less environmentally damaging feasible alternative to achieve the restoration goals and objectives of the project.

As discussed above, the applicants have not provided sufficient evidence to demonstrate that it is physically necessary to fill and relocate the existing pond to achieve the wetland restoration goals and objectives. The applicants have not shown that it would be either more environmentally damaging or infeasible to restore the pond at its existing location. Without specific evidence to the contrary, the Commission must assume that the least environmentally damaging feasible alternative would be to restore the wetland in place. Consequently, the Commission finds that as proposed, the fill of the agricultural pond is not the least environmentally damaging feasible alternative.

Because at this time the applicants have not demonstrated that the proposed fill and relocation of the former agricultural pond is the least environmentally damaging feasible alternative, the Commission finds the proposed relocation of the former agricultural pond is prohibited as the proposed fill needed to relocate the pond is inconsistent with the fill limitations contained in Coastal Act/LUP Policy 30233(a).

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Buffers

In accordance with the project plans submitted, the proposed fill and relocation of the pond would provide for the LCP required 100-foot buffer between the development in the Northern Residential Neighborhood and the relocated pond. However, as discussed above, **Special Condition 1** prohibits the proposed fill and relocation of the pond.

The project as proposed would result in the creation of lots and the construction of residences, streets and other infrastructure within the existing pond and its buffer in conflict with the LCP wetland fill and buffer policies. Therefore, **Special Condition 1** specifies that the applicant must submit revised plans for the Northern Residential Neighborhood demonstrating that no development shall occur within 100 feet of the former agricultural pond in its existing location. As conditioned, the Commission finds that the proposed development is consistent with the LCP wetland buffer requirement.

4.2 Raptors and Other Wildlife

4.2.1 Issue Summary

The project area provides nesting, foraging, perching, and roosting habitat for raptors, which are considered a unique species under the LCP. Saltmarsh common yellowthroat, a small warbler, is a California Department of Fish and Game (DFG) species of special concern known to breed in the wetland area of the Central project area. Additionally, although the LCP does not identify monarch butterflies as an endangered, threatened, rare, or unique species, its overwintering use of the tree stands in the North Wavecrest PDD is recognized as regionally important. The LCP considers areas supporting unique species to be environmentally sensitive habitats that warrant protection from significant adverse impacts caused by land use or development. As proposed, the project includes the development of a Boys and Girls Club and affordable housing units south of Wavecrest Road where prominent tree stands afford perching and roosting spots for raptors. Although these trees provide perching and roosting spots for some raptors, the trees do not provide nesting habitat, and the most recent evidence available as of the date of this report does not support a determination that this Central area south of Wavecrest Road is an environmentally sensitive habitat area as defined by the LCP. However, the LCP requires protection of the cypress and eucalyptus tree stands in the North Wavecrest PDD from disturbance, and requires replacement vegetation to mitigate the removal of notable tree stands and rows. The Commission therefore imposes **Special Condition 4** to require the applicants to minimize the removal of existing trees in the Central area, protect existing trees in the Central area to the maximum extent feasible, and replace trees removed in notable tree stands. The condition requires the submittal of a tree removal and revegetation plan for the Executive Director's review and approval prior to the issuance of the permit. Additionally, the Commission imposes **Special Condition 3** to prohibit development within 650 feet of an active raptor nest in the Western area. As conditioned, the proposed project conforms with the LCP policies that protect wildlife habitat and notable tree stands.

4.2.2 LCP Standards

The LUP references the definition of "environmentally sensitive area" in Policy 30107.5 of the Coastal Act. An environmentally sensitive area is defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in

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an ecosystem and which could be easily disturbed or degraded by human activities and developments.

LUP Policy 3-1 defines sensitive habitats to include riparian areas, wetlands, sand dunes, marine habitats, sea cliffs, and habitats supporting rare, endangered, and unique species.

LUP Policy 3-3 prohibits any land use and/or development that would have significant adverse impacts on sensitive habitat areas, and states that development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. Furthermore, all uses shall be compatible with the maintenance of biologic productivity of such areas.

LUP Policy 3-4 permits only resource-dependent or other uses which will not have a significant adverse impact on sensitive habitats and are consistent with US Fish and Wildlife and State Department of Fish and Game regulations.

LUP Policy 3-33 allows limited uses in unique species habitat, such as education and research; hunting; fishing; pedestrian and equestrian trails with no adverse impact on unique species or its habitat; and fish and wildlife management to the degree specified by existing governmental regulations.

LUP Policy 7-9 requires new development to be sited and designed to avoid or minimize destruction or significant alteration of significant plant communities, including notable tree stands.

LUP Policy 9.3.6(n) states that development in the Wavecrest PDD shall give maximum consideration to preserving the cypress and eucalyptus hedgerows at the west end of the L.C. Smith property (The L.C. Smith property is the northern portion of the proposed project area).

Zoning Code Section 18.37.045 defines significant plant communities to include the cypress and eucalyptus stands or rows in the North Wavecrest PDD. Significant plant communities include notable tree stands in the City, and unique species such as Monterey pine and wild strawberry. The Zoning Code requires the preservation of these plant communities wherever possible, and includes preservation guidelines for notable tree stands or hedgerows, riparian vegetation, and wild strawberry. Zoning Code Section 18.37.045 also prohibits development from disturbing tree stands including their root systems, and from intruding upon riparian vegetation or the habitat of existing unique vegetative species. However, where there is no feasible alternative to development, permits for the removal and replacement of vegetation must be obtained by the applicant.

Zoning Code Section 18.38.090(A) defines unique species as those organisms which have scientific or historic value, few indigenous habitats, or characteristics that draw attention or are locally uncommon. The Zoning Code considers raptors (owls, hawks, eagles, and vultures), California red-legged frog, and sea mammals as unique species. The unique plant species in Half Moon Bay are California wild strawberry and Monterey pine.

Zoning Code Section 18.38.090(C) requires the prevention of development, trampling or other destructive activity that would destroy any unique plant species. Plants identified as being valuable shall be successfully transplanted to another suitable site.

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Zoning Code Section 18.38.090(E) states that it is not desirable to encourage wholesale removal of existing stands of blue gum eucalyptus trees, but that removal of blue gum seedlings to prevent the spread of the species is encouraged. The code requires the City to discourage private landowners from planting blue gum eucalyptus on private property.

LUP/Coastal Act Policy 30240 protects environmentally sensitive habitat areas from significant disruption of habitat values. The policy allows only resource-dependent uses in ESHAs, and requires development adjacent to ESHAs to be sited and designed to be compatible with and prevent impacts to ESHAs.

4.2.3 Background

The September 28, 2000 Commission staff report states that the construction of the proposed Boys and Girls Club would require the removal of a substantial number of trees south of Wavecrest Road. Because the City Zoning Code permits tree removal where no feasible alternative exists, and because the applicants proposed to mitigate for the removal of these trees by planting a mixture of native trees along the borders of the Boys and Girls Club site to replace the non-native species proposed for removal, the Commission staff recommended approval of the previously-proposed development with a condition requiring the applicants to submit a tree removal plan that minimized the removal of existing trees. The condition further required the protection of potential habitat trees to the maximum extent feasible. As conditioned, staff contended that the proposed tree removal for the development of the Boys and Girls Club was consistent with the City of Half Moon Bay LCP.

However, at the October 12, 2000 hearing for the Wavecrest Village Project, the Commission requested additional information on raptor habitat in the project area. In turn, the Commission staff requested that the applicants submit a raptor survey for the Wavecrest Village Project area. The survey was to include a description of the portions of the project area used by the raptors, the raptor activities occurring at these locations, an assessment of the raptor habitat, and an evaluation of the potential habitat impacts resulting from the proposed development.

Site Information

Tree and Grassland Locations

A vegetation map in the January 1999 Wavecrest Village Specific Plan Draft Environmental Impact Report shows the locations of tree stands, grassland, and riparian scrub in the project area (**Exhibit 14**).

The project area contains several tree stands. The largest stand is a J-shaped windrow of Monterey cypress and blue-gum eucalyptus along the northern boundary of the western project area. Another windrow of cypress runs along the southern boundary of the westernmost project portion. Two cypress stands exist along Wavecrest Road, and a grove consisting of black acacia, eucalyptus, and cypress trees stands to the south of the road. Small stands of acacia and cypress are scattered over the Central project area, and one group of eucalyptus is located at the northern project boundary.

Annual and perennial grassland exists in the vicinity of the ballfields and in the western, Central, and Pasture areas. Cropland (generally grassland) is located in the northern and eastern portions of the project area.

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April 2001 Raptor Survey

In April, 2001, the applicants' biological consultant submitted a raptor survey to Commission staff. The consultant conducted five daytime surveys and one nighttime survey using methodologies recommended by a specialist on the California Department of Fish and Game raptor survey protocol design team. The survey noted that "special attention was devoted to raptor activity within and adjacent to the proposed development footprint, especially eucalyptus and cypress groves (WRA 2001)."

The consultant observed three species of raptors directly on or over the project area or in the immediate vicinity: red-shouldered hawk, red-tailed hawk, and turkey vulture. Two pairs of red-tailed hawks and one red-shouldered hawk have territories within or overlapping the project site. The consultant further located one red-tailed hawk nest in the northernmost eucalyptus tree stand of the project area (**Exhibit 5**). One pair of red-tailed hawks foraged in the tree stands near the nest and in several trees north of the nest. The pair exhibited mating behavior, territorial behavior near the nest, and reluctance to leave the tree stand. In mid-April, the consultant observed one hawk incubating eggs in the nest.

The consultant also observed other red-tailed hawks circling the Pasture and Central areas. One red-shouldered hawk was spotted perching and flying between the eucalyptus tree stands in the Western and Central areas and to the southwestern edge of the Pasture Area. The red-shouldered hawk was also observed feeding in the Central area tree stand. One turkey vulture was observed circling west of the Pasture area and in the eucalyptus stand in the Central area. While the consultant did not locate any owl species, the consultant found owl pellets in the grassland areas in the Western and Northwestern areas of the project site.

Raptor Information from Previous Reports

The Wavecrest Village Specific Plan Draft Environmental Impact Report (DEIR) dated January 1999 notes that the trees on the project site "provide shelter, foraging and nesting habitat for woodland-adapted wildlife species, including nesting habitat for raptors (Brady/LSA 1999)". A survey conducted on August 21, 1998 revealed that red-tailed hawk frequent the grassland in the western, Central, and Pasture areas of the project, and that small rodents probably inhabit the grassland and provide food for raptors like the white-tailed kite, northern harrier, and red-tailed hawk. Northern harrier may potentially nest in the cropland in the western and Central project area and in the northern project area. The northern area may also provide foraging habitat for the harrier and white-tailed kite. The DEIR further states:

The large stands of eucalyptus and Monterey cypress trees on the site provide potential nesting habitat for raptors and other birds, and shelter for birds migrating through the area or migrant birds that remain in the area during the winter months.

The consultant observed red-tailed hawk and evidence of great horned owl (a feather) among the tree stands in the project area. The DEIR states that the large trees in the project area potentially provide suitable nesting habitat for white-tailed kite and Cooper's hawk. Lastly, the DEIR notes that uprooted trees and brush piles in the western project area provide perching and roosting areas for raptors such as white-tailed kite and American kestrel.

A biological assessment of special status species habitat was conducted at the project site on February 20, 1998 by the same biological consultant that conducted the April 2001 raptor survey.

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The assessment defines special status species as plants and animals formally listed or proposed for listing as endangered or threatened under the federal or state Endangered Species Acts and federal and California Department of Fish and Game (DFG) species of special concern. At the time of the assessment, one northern harrier, a DFG species of special concern, was observed in the Wavecrest Village Project area in the northwestern grasslands near the coastline, and west of the existing ballfields, outside of the project area. The assessment lists red-tailed hawk, white-tailed kite, and American kestrel as other raptors observed during the survey, and states that suitable foraging habitat among the trees in the western parcel of the project site exists for sharp-shinned hawk and Cooper's hawk, two DFG species of special concern, although none were observed during the visit. The assessment does not specifically address the raptor habitat value of the trees on the proposed Boys and Girls Club parcel.

The January 1995 Draft Environmental Impact Report for the North Wavecrest Redevelopment Plan prepared by the City's Community Development Agency included information on wildlife habitat in the North Wavecrest area. The DEIR states that the grasslands in the area provide important foraging habitat for raptors such as red-tailed hawk, red-shouldered hawk, white-tailed kite, marsh hawk, American kestrel, turkey vulture, great horned owl, barn owl, and short-eared owl. Furthermore, the DEIR finds that the trees in the project area are "important nesting and roosting sites for resident and migrating birds and other wildlife (City of Half Moon Bay 1995)," including several raptor species.

Raptor Information from the Public

In December 2000 and May 2001, Commission staff received additional information from Gary Deghi, a member of the public regarding raptor populations and other wildlife at the project site (**Exhibits 15 and 16**). He holds a graduate degree in Wildlife Ecology, has 23 years of experience in conservation planning and permitting related to wetlands and endangered species, and is a current Director of the Sequoia Audubon Society. Mr. Deghi has participated in the Society's annual Christmas Bird Counts in the North Wavecrest area and has observed birds in the vicinity of the project area since 1987. Thus, he is a credible source of information about raptors in the project area.

Mr. Deghi observes that the North Wavecrest Restoration Area (**Exhibit 17**, generally encompassing the Wavecrest PDD) contains habitat suitable for raptors, such as dense riparian corridor for cover, mature trees for cover, perching, and roosting, and nesting substrate, emergent wetlands and grasslands for nesting and foraging, and open space for feeding.

Mr. Deghi states, "Based on the quality of the habitat, numbers of individuals and the mix of species, this area [the general Wavecrest PDD] is considered by Sequoia Audubon Society as the best habitat for wintering raptors in San Mateo County". Data gathered by Mr. Deghi and the Sequoia Audubon Society, demonstrates the raptors observed overwintering in the Wavecrest PDD include red-tailed hawk, red-shouldered hawk, Cooper's hawk, sharp-shinned hawk, ferruginous hawk, rough-legged hawk, broad-winged hawk, American kestrel, white-tailed kite, Northern harrier, merlin, golden eagle, peregrine falcon, prairie falcon, turkey vulture, great-horned owl, barn owl, and short-eared owl. Of the raptor species observed, the short-eared owl and the wintering populations of merlin and ferruginous hawk are DFG species of special concern. Golden eagle and peregrine falcon are fully protected; ferruginous hawk is a federal species of concern, peregrine falcon is state-listed as endangered. One Swainson's hawk, a State-

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listed threatened species, was observed overwintering at the site two years ago and was the first known Swainson's hawk to overwinter in coastal Northern California. The Sequoia Audubon Society finds more raptor individuals and more raptor species in the North Wavecrest area than in any other location San Mateo County during the winter.

Mr. Deghi states that the project area and the remainder of the North Wavecrest area comprise an integrated complex of roosting and foraging locations for raptors. The two significant roosting locations in the project area, the cypress and eucalyptus windrows in the western project area and the cypress and eucalyptus trees in the Central area south of Wavecrest Road, represent to Mr. Deghi the most commonly used winter roosting areas in the North Wavecrest area. In one instance, participants in the December 1994 Christmas Bird Count recorded 11 barn owls in the eucalyptus trees south of Wavecrest Road. On another occasion in January 2001, Mr. Deghi and representatives of the City and Montara Sanitary District observed an abundance of short-eared owl, Northern harrier, red-tailed hawk, red-shouldered hawk, and white-tailed kite within a half hour at dusk in the Central project area. The raptors likely roost in the adjacent tree stands south of Wavecrest Road. Overall, bird observers at the site notice use of the area south of Wavecrest Road and in the nearby fields.

Alvaro Jaramillo, a biologist with the San Francisco Bay Bird Observatory, has also submitted information regarding the raptor population in the North Wavecrest area (**Exhibit 18**).

Saltmarsh Common Yellowthroat

The January 1999 DEIR for the Wavecrest Village Project identifies the saltmarsh common yellowthroat, a subspecies of common yellowthroat occurring in the San Francisco Bay region, as a DFG species of special concern. The DEIR notes that sightings of saltmarsh common yellowthroat have been recorded near Princeton, about six miles north of the project area, and potentially near the mouth of Pilarcitos Creek, about one mile north of the project site. A male and female pair of common yellowthroats was observed by the environmental document consultant in August 1998 and could have been saltmarsh common yellowthroat individuals. The DEIR states that the riparian area and the cattails in the Central project area may provide suitable nesting habitat for the subspecies. In support of this, Mr. Deghi reports that Alvaro Jaramillo has documented a breeding population of saltmarsh common yellowthroat in the Central wetland area of the proposed project.

Monarch Butterfly

The monarch butterfly is not a listed or proposed endangered or threatened species, nor does the LCP consider it a unique species. However, the presence of the monarch butterfly at the proposed project site is noteworthy. A bivouac, or colony, of about 1,000 monarch butterflies were observed in the eucalyptus stand in the western project area in 1990. A member of the public has also reported sighting thousands of monarch butterflies in the same eucalyptus trees over a period of 3 days in the winter of 1997. In February 1998, several wintering monarchs were observed flying in the vicinity of the same eucalyptus grove in the project area.

Because of the concern for potential impacts to winter roosting sites and because within the State, its range has been restricted and/or the individual numbers have declined, the monarch butterfly is considered a DFG special animal, and its wintering sites are tracked by the DFG. Monarch butterflies breeding west of the Rocky Mountains migrate to overwintering sites on the Pacific coast, from Marin County to northern Baja California. According to the January 1999

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Draft EIR for the Wavecrest Village Specific Plan, the project site exhibits characteristics which are common to overwintering sites: it is within a kilometer of the Pacific Ocean, lending to moderate winter temperatures and small diurnal fluctuations; it is close to a coastal stream canyon, reducing the occurrence of subfreezing temperatures; and the grove is dominated by blue gum eucalyptus, providing wind protection, shade, and high humidity. The monarch butterfly has been known to aggregate in Monterey pine and Monterey cypress groves as well. These tree species also exist in the western project area.

Proposed Project

The majority of the development is currently proposed in what is generally grassland or cropland, with some exceptions. In particular, the applicants propose to construct the Boys and Girls Club and affordable housing apartments south of Wavecrest Road in the Central project area. The proposed development would require the removal of the majority of black acacia, eucalyptus, and cypress tree stands in this area.

The applicants also propose the development of a 7.7-acre detention basin, lateral public access trails, and single family residences in the vicinity of the identified red-tailed hawk nest. However, the applicants' consultant notes that no construction is proposed in the vicinity of the nest site in the northernmost eucalyptus grove this year. In any case, the consultant recommends the monitoring of the nesting site by a qualified biologist prior to any construction. The biologist must determine whether nesting is taking place and if so, the biologist must monitor nest activity until the fledglings leave the nest. The consultant states that the Department of Fish and Game commonly recommends delaying construction near nests until the young have fledged, but this specific recommendation was not proposed as part of the project.

Issues

LCP Policies for Raptors and Sensitive Habitat

Raptors such as owls, hawks, eagles, and vultures are considered a unique species in the LUP and specifically under Zoning Code Section 18.38.090(A). The Zoning Code defines unique species as organisms having scientific or historic value, few indigenous habitats, or characteristics that draw attention or are locally uncommon. Permitted uses in unique species habitat as stated in LUP Policy 3-33 include education and research, hunting, fishing, pedestrian, and equestrian trails having no adverse impact on the unique species or its habitat, and fish and wildlife management to the degree specified by existing government regulations. Furthermore, habitats supporting rare, endangered, and unique species fall under the definition of sensitive habitats listed in LUP Policy 3-1. Any land uses and/or development resulting in significant adverse impacts to such sensitive habitat areas are prohibited by LUP Policy 3-3. LUP Policy 3-4 permits only resource-dependent or other uses that will not adversely impact sensitive habitats.

Potential Impacts to Red-Tailed Hawk and Other Raptor Nests in the Western Area

Studies show that human disturbance and noise reduce the success of red-tailed hawk nests (Washington Department of Fish and Wildlife, Richardson and Miller 1997). As proposed, the project would not remove or disturb the tree stands in the western project area and thus, the project would not directly impact the sensitive habitat of the nesting tree and its immediate vicinity. After construction, the proposed access trail and detention basin would produce low intensity uses and would be located sufficiently away from the red-tailed hawk nest. The

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proposed residence nearest the nest is several hundred feet away. Therefore, the proposed uses would not adversely impact the red-tailed hawk nest or the tree stand supporting the nest, consistent with the permitted uses of LUP Policy 3-4.

However, as proposed, the construction of public lateral access trails, detention basin, and residences may produce substantial noise in the vicinity of the identified red-tailed hawk nest in the western project area, causing significant temporary adverse impacts. To reduce the potential of impacting the nesting birds during construction, the applicants' biological consultant recommends monitoring of the nesting site by a qualified biologist prior to any construction. The biologist must determine whether nesting is taking place and if so, the biologist must monitor nest activity until the fledglings leave the nest. The consultant states that the Department of Fish and Game commonly recommends delaying construction near nests until the young have fledged, but this specific recommendation was not proposed as part of the project.

Based on *Management Recommendations for the Red-Tailed Hawk* by the Washington Department of Fish and Wildlife, the condition specifies that clearing, grading, outside construction, or other heavy activity shall be prohibited within a radius of 650 feet of red-tailed hawk nests during the nesting period. The nesting period for red-tailed hawk is generally February 1 through August 1. To ensure that the nest in the Western project area are protected from disturbance during construction, the Commission imposes **Special Condition 3** to prohibit development within 650 feet of any occupied raptor nest. The condition requires that a qualified biologist determine when the young have fledged and the nest has been abandoned.

Other raptor nests may exist that have not yet been identified in the Western area the project site. To prevent disturbance to currently undetected raptor nests, **Special Condition 3** requires a qualified biologist to survey the entire area proposed for construction, including trees and other vegetation, and the area within 650 feet of the proposed development for signs of raptor nesting and/or nests within 30 days of construction. Construction within 650 feet of an identified raptor nest shall be prohibited until a qualified biologist determines that the young have fledged. The 650-foot buffer for active raptor nests is generally the shortest distance recommended for raptor species.

Potential Impacts Caused by Proposed Tree Removal in the Central Area

The applicants propose to construct the Boys and Girls Club and an 18-unit apartment building on the south side of Wavecrest Road (**Exhibit 19**). The October 8, 2000 *Tree Protection Report* for the Boys and Girls Club of the Coastside by David Kelley, the applicants' consulting arborist, states that about 160 trees, or about 70% of the trees at the Boys and Girls Club site, would be removed for this development. The tree assessment states that most of the trees on the site "...are in poor condition and should be removed because, from an arboricultural perspective, they are not candidates for remediation and, from an ecological perspective, they do not provide good wildlife habitat values." Furthermore, the assessment finds that the larger trees in the windrows, particularly in the case of the eucalyptus, would most likely become unstable if surrounding trees were removed.

The applicants propose to mitigate for the removal of the existing trees by planting a mixture of trees such as Monterey cypress, coast live oak, and redwood as a new windbreak along the southerly and westerly property lines. Coyote brush, willow, and currant are other plants recommended for revegetation of the site. The consulting arborist explains that the replacement

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of the existing trees stands with the suggested plant species would create higher wildlife value because of the lower density of individual plants, greater species diversity overall and in the understory, and will allow for long-term maintenance and remediation as necessary.

Based on the April 2001 raptor survey, no raptor nests or nests of other unique, endangered, threatened or rare species are located in the tree stands south of Wavecrest Road in the location of the proposed affordable housing and Boys and Girls Club. Therefore, the proposed removal of a majority of the trees in the area would not impact environmentally sensitive nesting habitat. Although use of these trees for perching and roosting by raptors is well-documented, the applicants propose to retain about 65 of the existing trees in the proposed area of the Boys and Girls Club development and to revegetate the site with trees that suit the site conditions and promote wildlife habitat values. As a result, raptors and other bird species would still be able to perch and roost in the vicinity. Furthermore, the Central wetland area south of the proposed affordable housing and Boys and Girls Club will remain undeveloped, thus maintaining an important foraging area for the raptor species that use the project area for feeding.

To minimize the impacts of tree removal at the Boys and Girls Club and affordable housing sites south of Wavecrest Road, **Special Condition 4** requires the applicants to submit a Tree Protection Plan for the Central Area for the review and approval of the Executive Director. The Plan must include an assessment prepared by a qualified arborist or wildlife biologist of the habitat value of each tree proposed to be removed and a site plan showing each tree proposed to be removed as part of any approved development. The plan shall be designed to retain the maximum number of existing trees on the site, but in no event shall retain less than 65 trees in the Central Area. In addition, the plan shall include a revegetation design that shows species, number, and location of all plants proposed for planting. The plan and revegetation design shall be designed to allow for maximum use by raptors. As conditioned, the proposed project is consistent with the LCP policies protecting tree stands to the maximum extent feasible.

The saltmarsh common yellowthroat, a DFG species of special concern, is known to breed in the Central wetland and riparian area. In addition, there is documented use of the western project area by an overwintering monarch butterfly colony. The applicants do not propose development within the habitats of these species and therefore, the project as proposed is consistent with the LCP policies protecting these species.

4.2.4 Conclusion

Biological assessments of the proposed project site have demonstrated the occurrence of foraging, perching, and roosting habitat for raptors in the project area. Red-tailed hawk and saltmarsh common yellowthroat are special-status species known to breed in the project area. Moreover, several sources report the overwintering of monarch butterfly colonies in the eucalyptus tree stands in the western project area. The proposed project would allow for the maintenance of the tree stands in the western project area and the wetland in the Central project area, thereby protecting red-tailed hawk and saltmarsh common yellowthroat breeding areas and monarch butterfly overwintering habitat. The proposed Boys and Girls Club and affordable housing units south of Wavecrest Road, however, would require the removal of most of the trees in the Central area. Despite the proposed tree removal, the Commission finds that the applicants' proposal to retain roosting and perching habitat in the area of the proposed affordable housing and Boys and Girls Club by keeping 65 existing trees and replanting to allow for improved

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wildlife habitat values in the Central area is consistent with the tree stand requirements of the certified LCP. Furthermore, the Commission notes that based on an April 2001 raptor survey, no raptor nests are located in the area of the proposed affordable housing and Boys and Girls Club. The Commission therefore imposes conditions requiring the applicants to submit plans to protect the trees in the Central Area to the maximum extent feasible, revegetate those areas subject to tree removal to encourage raptor use, and ensure that the proposed development does not disturb habitats for nesting raptors, saltmarsh common yellowthroat, and monarch butterflies. As conditioned, the proposed project conforms with the LCP policies that protect wildlife habitat and notable tree stands.

4.3 Water Quality

4.3.1 Issue Summary

The applicants propose to create impervious surfaces on a 40.3-acre, 156-parcel subdivision in the northern residential area; a 7.6-acre, 34-parcel subdivision in the southern residential area; affordable housing; 14.8 acres of mixed-use commercial area; a 25.3-acre middle school site; a 2.8-acre Boys and Girls Club site; and approximately 11 acres of associated streets and sidewalks. The development of houses, buildings, driveways, parking lots, streets, and sidewalks increases the amount of water that can no longer percolate into soil or land on vegetation. Uses associated with these developments, such as the irrigation of gardens, will also contribute to project-generated runoff. As a result, the project site will produce increased runoff that will require treatment. This treatment is necessary to comply with LCP standards protecting coastal water quality and human health.

As part of the development, the applicants propose to treat the urban runoff produced on the project site by installing a system of gutters and stormdrains. Runoff from the project site will discharge into a 7.7-acre detention pond in the western portion of the project area, designed to accommodate and treat the project area stormwater.

While the detention pond helps to improve water quality, it is necessary that the pond and all other mechanisms to treat runoff are in place before the proposed development is constructed. Furthermore, active maintenance and monitoring are needed to assure that water quality improvements continue to be effective for the life of the project. To ensure this, the Commission imposes **Special Conditions 6, 7, 8, and 10**.

Special Condition 6 requires the applicant to submit a final grading plan to the Executive Director, including the quantities of cut and fill of the development. **Special Condition 7** requires the applicants to submit an erosion control plan to the Executive Director showing how the project will minimize and control erosion and limit the use of toxic substances. **Special Conditions 8 and 10** require the applicant to submit a Stormwater Pollution Prevention Plan (SWPPP) and a water quality monitoring plan (WQMP) to the Executive Director demonstrating how the development will plan and follow up on water quality protection for the project area. **Special Condition 9** requires the applicant to provide for the review and approval of the Executive Director a plan for the design, construction, maintenance, and monitoring of the proposed detention pond.

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As conditioned, the proposed project conforms with the LUP/Coastal Act policies protecting water quality.

4.3.2 LCP Standards

The LCP contains policies to protect water quality in Half Moon Bay's Coastal Zone.

LUP/Coastal Act Policy 30231 requires that the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes be maintained to maintain optimum populations of marine organisms and to protect human health. Where feasible, the biological productivity and quality of coastal waters shall be restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

LUP/Coastal Act Policy 30253 requires new development to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

LUP Policy 4-9 requires flows from graded areas to be kept to a minimum and not exceed the rate of erosion and runoff from undeveloped land. The policy requires stormwater outfalls, gutters, and conduit discharge to be dissipated.

LUP Policy 9.3.6(l) requires the irrigation of open space with unclaimed water, as feasible, and the use of retention basins, grading, revegetation, and drainage improvements to prevent destabilizing effects on the coastal bluffs.

4.3.3 Discussion

Existing conditions

Currently, an approximately 4,600-foot-long unlined drainage ditch runs through the Wavecrest Village Project area. As described in the Environmentally Sensitive Habitat Area discussion above, the ditch carries stormwater and agricultural runoff from an area of approximately 270 acres. This area includes the project site, Highway 1, one of the commercial nurseries south of Wavecrest Road, and a 67-acre sub-basin in agricultural use east of Highway 1 (Foulk 2000, WRA 1998). Runoff in the drainage ditch runs west for 1,700 feet on San Mateo County property before discharging off of the 50-foot bluff to the City-owned beach into the Pacific Ocean below. Currently, this runoff flows untreated through the onsite ditch, into the County ditch north of the project area, and off the bluff onto the beach.

Proposed project

The applicants propose to install drainage pipes and gutters to collect runoff over the developed project area. **Exhibit 28** describes the proposed improvements. The pipes would connect to a pipe which would discharge into a vegetated swale, then into a 7.7-acre detention pond in the Western portion of the project area (**Exhibit 20**).

The basin is designed to treat runoff produced from up to and including the 1.2-inch, 24-hour rainfall event, approximately equivalent to the 90th percentile, 24-hour rainfall event. The

required storage volume for a 1.2-inch-per-day storm event (a conservative design rainfall) assuming that 45 percent of the rainfall enters the pond as runoff is approximately 12 acre-feet. The average release rate over the 24-hour period is about 6 cubic feet per second (Foulk, 2000). During low-flow conditions, runoff will percolate into the ground and discharge through an outlet pipe through a rock weir to the County's drainage ditch. Higher flows will discharge to the ditch through two 48-inch pipes. A 60-foot long grouted rock barrier will surround the pond's outlet structure. Very high flows (from the 100-year storm event) will exit via another outlet flow. As designed, the pond will maintain a water level consistent with the channel/wetlands area north of the proposed detention area. Furthermore, as proposed, the vegetation around and in the basin will encourage the creation of wetland habitat and provide an amenity for passive recreation and public access.

Issues

Stormwater runoff from developed areas and roads contains pollutants associated with these uses (U.S. EPA, 1993). Nutrients originate from garden fertilizers and poor landscaping practices such as inappropriate plantings or overwatering. Sediment comes from land clearing, grading, construction, and natural processes. Motor fuel and exhaust, improper hazardous waste disposal or spills, consumer products, construction materials, and soil (naturally-occurring) contribute to heavy metals in runoff. Petroleum hydrocarbons come from uses associated with vehicle use such as fuel, oil, grease, exhaust, and brake-lining particles, in addition to accidental spills and improper dumping of vehicle products. Synthetic organic chemicals in urban runoff originate from household cleaners, paints, and pesticides and herbicides. This runoff also may have physical parameter changes in salinity, temperature, and dissolved oxygen stemming from land clearing and decaying organic matter.

Agricultural runoff contains pollutants from sources different from urban runoff. Soil leaching changes the salinity and temperature of agricultural runoff. Nutrients enter agricultural runoff through commercial fertilizers, crop residues, and irrigation water. Runoff also contains sediment from erosion (due to cultivation and other causes) and grading or filling; and synthetic organic chemicals from the application of pesticides, herbicides, fungicides, and fertilizers, atmospheric deposition, and improper storage and disposal.

As proposed, the detention pond will receive stormwater and agricultural runoff from outside of the project area. Without the treatment proposed by this project, the runoff from the Highway, agricultural land, and commercial nursery in the project vicinity will continue to discharge untreated onto the beach and into the ocean. Since there are no other proposals to treat this runoff, the project provides an opportunity to improve the quality of this water.

The detention basin as proposed is highly efficient in the removal of total suspended solids and moderately effective in the removal of metals, total phosphorus, nitrogen, and biological oxygen demand. However, while the basin is appropriately-sized and is designed to provide much needed water quality treatment, the pond can employ other best management practices (BMPs) to further maximize its treatment capabilities. As proposed, the development does not attempt to reduce the sources of onsite runoff or treat runoff in the location it is produced. Furthermore, the proposed project does not describe the grading schedule or erosion control measures to be installed for use during and after project construction. The proposed project additionally does

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not include a monitoring or maintenance plan to assure the effectiveness of the proposed water quality treatment.

In order for the project to maximize water quality benefits and to ensure continued treatment of stormwater and agricultural runoff, the Commission imposes **Special Conditions 6, 7, 8, 9, and 10** below. The Commission notes that consistent with Section 30412 of the Coastal Act, these conditions do not conflict with any determination by the Water Board because the Water Board has not acted on the proposed project.

Special Condition 6 requires the applicant to submit a final grading plan to the Executive Director prior to the issuance of the coastal development permit. The grading plan must include the quantities of cut and fill and the final design grades and locations for all building foundations, streets, public accessways, the detention pond, and drainage pipes, and the phasing of all grading activities during construction.

Special Condition 7 requires the applicants to submit an erosion control plan. The components of the plan are intended to minimize the potential sources of erosion within the project area, control the amount of runoff and sediment transport, and retain and treat pollutants onsite.

Special Condition 7 also limits the use of toxic substances and the runoff of nutrients to surface waters. The erosion control plan shall be submitted for review and approval by the Executive Director prior to the issuance of the coastal development permit.

Additionally, **Special Condition 7** requires the applicant to inspect and maintain the erosion control measures throughout the construction period. The applicant must submit inspection reports on the condition of the structural Best Management Practices (BMPs) required under this condition to the Executive Director at specified intervals. The condition holds the applicant responsible for compliance with the erosion control plan.

Special Condition 8 requires the applicant to submit a Stormwater Pollution Prevention Plan (SWPPP). The applicant must submit the SWPPP for the review and approval of the Executive Director prior to the issuance of the coastal development permit. The condition requires the approved development to maintain approximate pre-development levels of average runoff volumes and peak runoff rates and total suspended solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings. The condition requires the SWPPP to include BMPs which minimize the creation of impervious surfaces, treat and maintain roads and parking lots, and employ native and drought-tolerant landscaping. **Special Condition 8** further requires the inspection and maintenance of the BMPs and the submittal of an annual inspection report for three years following the completion of construction by the property owner and/or homeowners' association.

Special Condition 10 requires the applicant to submit a water quality monitoring plan (WQMP) to the Executive Director for review and approval prior to the issuance of the coastal development permit. The WQMP will evaluate the effectiveness of the SWPPP to protect the quality of surface and groundwater at the project site. The condition requires the WQMP to provide for sampling of the detention pond and other groundwater and surface water locations to measure levels of all identified potential pollutants including, but not necessarily limited to: heavy metals, pesticides, herbicides, suspended solids, nutrients, oil, and grease. Any measured pollutants which exceed the water quality standards in the WQMP must be remedied.

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Special Condition 9 requires, prior to the issuance of the coastal development permit, that the applicant provide for the review and approval of the Executive Director a plan for the design, construction, maintenance, and monitoring of the proposed detention pond. The applicant must construct the detention pond during the first phase of development. The pond must treat all of the agricultural drainage conveyed through the development site as well as the runoff generated from up to and including the 1.2-inch, 24-hour rainfall event, as proposed. The detention pond must improve water quality of stormwater and agricultural runoff by removing fine sediments, phosphorous, and nitrogen. Under **Special Condition 9**, the applicants must provide for regular maintenance of the water quality treatment and habitat functions in the detention basin in perpetuity, and provide a permanent funding source for the long-term maintenance of the detention basin. **Special Condition 9** also requires the detention pond to provide emergent wetlands, riparian habitat, and associated upland, and suitable habitat for California red-legged frog, San Francisco garter snake, and wetland bird species. This is further discussed in the environmentally sensitive habitat section above.

As conditioned, the proposed project conforms with the LCP policies requiring the maintenance of the biological productivity and quality of coastal waters, the assurance of site stability and development that neither creates nor contributes significantly to erosion, and the use of retention basins, grading, revegetation, and drainage improvements to prevent destabilization on the coastal bluffs.

4.3.4 Conclusion

The applicants propose to treat stormwater and agricultural runoff from on and offsite sources with a stormdrain conveyance system throughout the project area. The treatment of this runoff is proposed to take place in a 7.7-acre detention pond in the western portion of the project area. Currently, the site does not treat the stormwater or agricultural water conveyed in the existing drainage ditch on the project site. The runoff discharges onto the beach below the bluffs, carrying sediment, nutrients, heavy metals, and chemicals. These pollutants have the potential to impact environmentally sensitive habitat areas, the nearshore zone, and public health. Although the proposed detention pond improves water quality, the Commission requires the applicants to comply with **Special Conditions 6, 7, 8, 9, and 10** to ensure that the project protects water quality to the maximum extent possible. As conditioned, the project is designed to reduce the amount of water and pollutants available to enter the stormdrain system. The required erosion control and grading plans prevent impacts to water quality during construction. The detention pond as conditioned provides water quality benefits for the life of the development. Conditions requiring regular maintenance and monitoring assure the highest level of agricultural runoff and stormwater treatment.

As conditioned to provide grading and stormwater pollution prevention plans, erosion control, a functional detention pond, and water quality monitoring, the project conforms with the LCP policies protecting water quality.

4.4 Public Access and Recreation

4.4.1 Issue Summary

The proposed development site is located between the first public road and the sea and is directly adjacent to a publicly-owned sandy beach. The development includes 271 residential units, a 1,150-student middle school, a Boys and Girls Club, commercial and retail facilities, community ball fields, and road improvements. Such development would place significant increased demands on public access and recreation in the Wavecrest PDD, particularly on public beach access in the project vicinity. Although informal beach paths to the beach are evident on the blufftop seaward of the project site, opportunities for improved access to the beach are severely constrained in the project area due to high, unstable bluffs.

Both the Coastal Act and the LCP require access to be provided to and along the shoreline as a condition of development of the project site. In particular, Coastal Act Section 30212 requires that public access from the nearest public road to the shoreline and along the coast shall be provided in new development projects, and LUP Policy 9.3.6(g) requires that as a part of any new development in the Wavecrest PDD, vertical accessways shall be constructed to the beach from the bluff affording access to the beach near the end of designated beach access routes. The LCP further specifies that at least two vertical accessways shall be provided to the beach as a part of the development of the Wavecrest PDD, with a possible third vertical beach access if feasible. In addition, Section 30252 of the Coastal Act requires new development to assure that the recreational needs of new residents shall not overload nearby recreational access.

The applicants propose to dedicate and improve a system of public access easements to provide lateral access through the development site as a portion of the City's Coastside Trail. The applicants also propose to construct a stairway to provide vertical public access from the blufftop to Poplar State Beach, separate from the existing path currently used by pedestrians and equestrians. Alternatively, the applicants propose to provide an unspecified "fair share" proportional contribution towards the future development of a vertical beach accessway in lieu of constructing the access improvements themselves. However, the proposed accessway at Poplar State Beach will not provide a new beach route to mitigate the increased demand for beach access generated by the project. Furthermore, the proposed proportional funding does not ensure that a vertical accessway will ever be constructed. Therefore, the Commission finds the proposed vertical accessway and the proposed proportional funding do not conform with the public access and public recreation policies of the LCP and the Coastal Act.

In order for the proposed project to be consistent with LCP and Coastal Act policies requiring the provision of public access facilities, the Commission imposes **Special Condition 11** to require the applicants to construct a vertical accessway to the beach near the end of Redondo Beach Road that would include a stairway and/or ramp to the beach and improvements to an existing parking lot and Redondo Beach Road between the access road to the southern residential area (Occidental Avenue, the current paper street) and the parking lot. Alternatively, the applicants shall provide sufficient funding to permit the City to construct such public access improvements prior to the construction of the residential units authorized under this permit. To comply with the Zoning Code policies for providing adequate parking for active and passive recreation purposes, **Special Condition 12** requires the applicants to submit project plans showing a public parking lot of at least 225 spaces at the end of Wavecrest Road. As conditioned, the Commission finds

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the proposed development in conformity with the public access and public recreation policies of the LCP and the Coastal Act.

4.4.2 LCP and Coastal Act Standards

The 207.5-acre Wavecrest Village Project area is located between the first public road (Highway 1) and the ocean. Pursuant to Coastal Act Policy 30604, because the project site is located between the first public road and the ocean, the project is subject to both the public access and recreation policies of the Coastal Act in addition to the City's certified LCP.

LUP/Coastal Act Policy 30210 requires posted public access and recreational opportunities to the maximum extent feasible, consistent with public safety, and the need to protect public and private property owner rights and natural resource areas from overuse.

LUP/Coastal Act Policy 30212 requires new development to provide public access from the nearest public roadway to the shoreline and along the coast unless inconsistent with public safety or the protection of fragile coastal resources, or where adequate access exists nearby.

LUP/Coastal Act Policy 30252 states that the location and amount of new development should assure that the recreational needs of new residents will not overload nearby coastal recreation areas. This is accomplished by correlating the amount of development with the provision of on-site recreational facilities to serve the new development. The policy also states that new development should maintain and enhance public access to the coast by providing adequate parking facilities or the ability to circulate using public transportation.

LUP Policy 2-2 requires all new development along the Shoreline Trail to grant lateral easements for continuous public access along the shoreline. The policy requires the easement to have a sufficient width for an adequate trail and to protect the privacy of residences, with the setback of lateral trails at least 10 feet from the edge of the bluff and the establishment of native vegetation between the trail and the edge of the blufftop.

LUP Policy 2-6 requires signs on vertical and lateral public accessways informing the public of the right to use the accessways and any specific uses or constraints on public access in the areas of the accessways.

LUP Policy 2-16 requires the designation, signing, and improvement of the western extension of Higgins Canyon (Higgins Purissima) Road, Redondo Beach Road, and one additional beach access route as may be called for in the Conservancy Plan, as beach access routes.

LUP Policy 2-17 requires that no parking facility south of Kelly Avenue shall be designed for more than 50 cars.

LUP Policy 2-21 directs the State and County to construct paths or stairs to the beach from the extension of Main Street (Higgins Canyon Road) and to encourage new development in areas shown on the Access Improvements Map to construct paths or stairs to the beach.

LUP Policy 2-22 requires the connection of lateral blufftop trails with vertical trails to the beach at the end of Seymour Street, midway between Seymour Street and Redondo Beach Road (as determined by the Wavecrest Conservancy Project), and near the end of Redondo Beach Road. Policy 2-22 also requires the provision of a lateral blufftop trail to improve coastal access from Kelly Avenue to Miramontes Point Road.

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LUP Policy 9.3.6(g) requires as part of any new development in the Wavecrest PDD the construction of vertical accessways from the bluff to the beach near the end of designated beach access routes. A third accessway to the beach may be required approximately equidistant between the two primary access routes.

LUP Policy 9.3.6(h) requires, as a part of any new development in the Wavecrest PDD, the improvement of the two designated beach access routes in the Wavecrest PDD, either along existing platted alignments or new alignments designed to afford equivalent access opportunities.

LUP Policy 9.3.6(k) states that new access to Highway 1 shall be limited, and one new access shall be located at the intersection of Highway 1 and Higgins-Purissima Road.

Subdivision Code Section 17.40.090 requires lateral easements specifically for subdivision applications along the shoreline.

Subdivision Code Section 17.40.095 requires the provision of vehicular access where indicated on the Access Improvements Map of the City Local Coastal Plan, the General Plan and any of its Elements, and any Specific Plan.

Zoning Code Section 18.40.030 requires new development to provide an offer to dedicate an easement for lateral, blufftop, vertical, trail, and recreational public access if the development is located on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts; if the development is located between the nearest public road and the sea; if the public has acquired the right of access through use or legislative authorization; or if the access is needed to mitigate the impacts of the development on public access. Exceptions to this code include, consistent with Coastal Act Policy 30212, areas where public access is inconsistent with public safety or the protection of fragile coastal resources, or where adequate access exists nearby.

Zoning Code Section 18.40.040 provides minimum requirements for imposing public access conditions. In particular, 18.40.040(B) states that a condition to require vertical public access as a condition of approval of a coastal development permit shall provide the public with the permanent right of access where designated by the LCP for future vertical access or where the local government has determined that vertical public access is needed. The code also requires the vertical access to extend from the road to the shoreline and have a minimum easement width of 10 feet, and limits its use to passive recreational use unless another use is specified.

Zoning Code Section 18.40.050 lists necessary findings for public access dedications proposed in projects or required as a condition of approval. These findings include a statement of the individual and cumulative burdens, the necessity for providing public access, a description of the legitimate government interest furthered by an access condition, and an explanation of how a condition of access dedication alleviates identified access burdens and is reasonably related in nature and extent.

4.4.3 Discussion

Existing Conditions

Wavecrest Road is currently the only existing street allowing vehicular access from Highway 1 westward into the project area. The only existing parking area in the proposed project area is at

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the end of Wavecrest Road at an informal dirt parking area at the existing ballfields, about 2,000 feet from the bluff edge. The parking lot serves users of the baseball fields, the model airplane landing strip southwest of the ballfields and outside of the proposed project area, and the coastal trails in the vicinity.

Existing Informal Public Accessways in the North Wavecrest PDD

The public currently has access to informal lateral and vertical trails and accessways throughout the project site and surrounding area. From within the Wavecrest PDD, the public can access a few north-south lateral trails in the area west of Wavecrest Road and along the blufftop. The unpaved dirt trails lie right at the bluff edge in some places. These established trails were formed by regular public use and provide popular year-round access for walkers, cyclists, and equestrians.

North of Wavecrest Road, informal lateral trails run along the western edge of the existing ballfields and along the blufftop. Immediately north of the project area, the 20-foot-long Seymour Bridge was constructed over the drainage ditch on property of San Mateo County. This bridge allows public access over the ditch and connects to informal trails leading to the Poplar State Beach parking lot, a vertical beach access path, and northward blufftop trails. In May 2001, the City of Half Moon Bay approved the construction of a 10-foot wide asphalt bike and pedestrian trail and a separated horse trail to formalize public use of the blufftop area between the Seymour Bridge and Poplar State Beach.

South of Wavecrest Road, existing lateral trails branch along the bluff and open space, eventually entering or crossing an arroyo. The trails continue south out of the arroyo to various stretches of Redondo Beach Road. A few hundred feet south of Redondo Beach Road, the City has accepted an offer to dedicate an easement through the Ocean Colony subdivision, allowing the connection of lateral trails along the coast.

In the proposed project area, the coastal bluffs are approximately 60 feet tall. Access from the blufftop to the City-owned beach is difficult in this location due to the bluff height and steepness of the bluff face. In fact, geologic information identifies the bluff area between the Seymour Street right-of-way to the Main Street extension as a high risk hazard zone, with blocks of the bluff face actively falling onto the beach (Lajoie and Mathieson 1985).

Although formal vertical beach access does not currently exist in the project area, informal vertical access from the blufftop to the beach is present in other portions of the North Wavecrest PDD. For instance, southwest of Wavecrest Road, west of the model airplane landing strip and outside of the project area, is a steep dirt path sloping through the vegetated 35-foot-tall bluff face to the beach. Access to the public beach through the arroyo several hundred feet south of Wavecrest Road is also possible but not easily accomplished on unimproved and precarious dirt trails.

About a half-mile south of the project area but still within the North Wavecrest PDD, informal vertical trails exist at the end of Redondo Beach Road. The trails at this location run down the 80-foot-tall, steep, eroding bluff face to the beach. Visitors use an informal dirt area for parking at the end of the partially improved Redondo Beach Road. The parking area accommodates up to 70 cars during peak visitation periods, although at any given time 10 to 25 cars may be parked there (Hernandez 2000).

Existing Formal Public Access Facilities in the Wavecrest PDD

Formal public beach access from the bluff at the end of Poplar Street outside of the Wavecrest PDD is maintained by the City approximately 1,000 feet north of the project area. The access consists of an unpaved gravel trail, about 10 feet wide, curving down the 40-foot-tall bluff to City-owned beach. About 47 paved parking spaces for public access are located adjacent to the trail to Poplar State Beach, with additional provisions for RVs and horse trailers. The lot is approximately 150 feet from the edge of the bluff. The previous informal parking area at this site was about 10 feet from the edge of the bluff. The beach is walkable as far south as the bluff south of Redondo Beach Road and as far north as the Half Moon Bay State Beaches on the north end of the City.

Another formal vertical public accessway exists at the end of Miramontes Point Road in the South Wavecrest PDD, about one mile south of the project area. A 15-space paved parking lot connects to a 1,000-foot-long paved trail through the Half Moon Bay Links Golf Course. The trail then reaches an overlook and stairway to the beach next to the outlet of Arroyo Cañada Verde. The stairway connects to a paved lateral blufftop trail running northward approximately 3,500 feet along the length of the golf course property. The 15-space parking lot, trail, and beach access stairway were built as part of the South Wavecrest Redevelopment Project, approved by the Commission in 1994.

As a condition of approval of the coastal development permit for the Ritz-Carlton Hotel at Miramontes Point in 1991, the Commission required the permittee to provide a minimum of 25 parking spaces for public use on the hotel premises. Currently, the 25 reserved spaces are located in the Ritz-Carlton Hotel parking structure at the end of Miramontes Point Road. Another condition of approval required the permittee to contribute a \$250,000 in-lieu fee to the Commission to pay for "the completion of offsite-public access improvements within the adjacent North and South Wavecrest Redevelopment areas, including trails, parking facilities, restrooms, and vertical accessways" (CCC 1991). In Spring, 2001, the Commission directed the City to use the fee to implement access improvements as prioritized in paragraph F of the *Memorandum of Understanding between the California Coastal Commission and the City of Half Moon Bay Regarding Expenditure of Mitigation Funds (Exhibit 21)*.

Proposed project

The applicants propose to dedicate and improve a system of lateral public access easements in the project area (**Exhibit 22**). Increased parking, improved streets at and west of Highway 1, and formalized lateral trails are proposed to accommodate future visitation to the Wavecrest PDD.

Proposed Road Improvements

As part of the project, the applicants propose to construct a new westward road extending from Highway 1 and Main Street. The proposed Main Street extension, referred to as Smith Parkway, generally would consist of two separated 800-foot-long, 14-foot-wide travel lanes that would end at the proposed Street C. An approximately eight-foot-wide public walkway is proposed on the north side of Smith Parkway, and a 15-foot-wide sidewalk is proposed on the south side of the proposed street, next to 38 diagonal parking spaces and a bus stop. The proposed Smith Parkway is consistent with the requirement of LUP Policy 9.3.6(k) to provide new access in the Wavecrest

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PDD at the intersection of Highway 1 and Higgins-Purissima Road. (Higgins-Purissima Road meets Main Street at Highway 1.)

The applicants also propose to improve Wavecrest Road from its existing condition as a partially-paved roadway with a 40-foot-wide right-of-way to a two-way road with five-foot-wide sidewalks, nine-foot-wide parallel parking, and landscaping on both sides of the road. As proposed, Wavecrest Road would have a 70-foot-wide right-of-way that includes two 14-foot-wide travel lanes with Class III bicycle routes. The applicants are not proposing to lengthen the 2,630-foot-long Wavecrest Road. At the end of Wavecrest Road, the applicants propose 200 public parking spaces in a new lot south of the proposed ballfields. Fifteen of these public spaces are proposed for dedication as signed public access parking. In addition, the applicants propose parallel parking along the remainder of Wavecrest Road from Highway 1 to the proposed parking lot. The parallel parking would provide about 180 spaces. Together, the parallel parking on Wavecrest Road and the parking lot would provide a total of 380 spaces.

The applicants further propose to improve the 1,400-foot length of Redondo Beach Road between Highway 1 and Occidental Avenue, currently a paper street held in public interest by the City of Half Moon Bay (**Exhibit 23**). The improvements include widening and paving the road to at least 28 feet with 8-foot graded shoulders and additional improvements for available sight distance, acceleration and deceleration lanes, and return radii at the intersection of Redondo Beach Road and Highway 1.

All of the proposed streets in the project area would include Class III bicycle routes. Class III bicycle routes lie within motor vehicle travel lanes, have neither pavement markings nor lane stripes, and are identified only by signs along the road. The proposed project does not include provisions for equestrian use of the project area, given that existing equestrian use in the area occurs mainly on the City-owned beach west of the project area and is infrequent on the blufftop trails south of Poplar Street (Jespersion 1999).

Proposed Lateral Public Accessways

The applicants propose to construct lateral trails to connect the blufftop open space areas to the proposed development and to provide for the Coastside Trail in the project area, providing 7,200 feet of public trails with 15-foot-wide easements in the project area. The trails would consist of compacted natural material and would be constructed for use by pedestrians and cyclists prior to the occupancy or use of any structures or other approved development. The trails are proposed to be set back 50 to 100 feet from the bluff edge, consistent with LUP Policy 2-2 and Zoning Code Section 18.38.070, which require lateral trail setbacks of at least 10 feet from the edge of the bluff. The proposed trails are consistent with LUP Policy 2-22, which requires the improvement of lateral coastal access from Kelly Avenue to Miramontes Point Road. The proposed trails are also consistent with Zoning Code Section 18.38.070 which requires an improved bluff edge trail between the Seymour Street right-of-way and Redondo Beach Road.

The applicants plan to dedicate all of the proposed public accessways in the non-residential areas as public access easements to the City of Half Moon Bay. In the residential subdivisions, the applicants propose to construct the paths and sidewalks, dedicate these accessways to the City, and surrender the maintenance responsibilities to the subdivisions' homeowners' associations. The applicants further propose to dedicate permanent open space easements to the City for the

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community ballfields, the view corridor between Highway 1 and Street C, and the landscape buffer west of the Highway 1 right-of-way.

Adequacy of Proposed Lateral Access

Zoning Code Section 18.40.030 requires new development to provide an offer to dedicate a public access easement or other legal mechanism to provide lateral, blufftop, vertical, trail, and/or recreational public access if (1) the development is located between the first public road and the sea; (2) the LCP has identified the location for public access; and (3) access is needed to mitigate the impacts of development on public access. The proposed project includes the construction of 271 residential units. Assuming there are at least three people occupying each of these residences, the proposed development will result in an increased burden of at least 813 people on existing access and recreation facilities. In addition, the project site is located between the first public road and the sea and the LCP has identified the project site for public access. Therefore, the proposed project meets all of the criteria contained in Section 18.40.030 and therefore must conform with Zoning Code Section 18.40.030. The Commission finds the proposed lateral dedications are consistent with Zoning Code Section 18.40.030 because they provide 7,200 feet of public trails, thereby connecting the blufftop open space areas and providing for the Coastside Trail in the project area.

The dedications are also consistent with Policy 2-2 of the LUP, which requires that new developments grant lateral easements for public access along the shoreline, as proposed by the Shoreline Trail alignment on the Access Improvement Map. The dedications are also consistent with the requirement of Zoning Code Section 17.40.090 for subdivision development located along the shoreline to dedicate lateral easements. Therefore, the proposed lateral dedications are consistent with the provisions of the certified LCP.

Proposed Vertical Public Accessways

The applicants do not propose to construct a vertical accessway from the top of the bluff to the public shoreline within the project area. Instead, the applicants propose to construct a pedestrian stairway at Poplar State Beach, outside of the Wavecrest PDD. The project engineer cites the potential for safety hazards, increased erosion, and disruption of habitat values to justify the exclusion of vertical access in the project area. The LUP recognizes that the North Wavecrest PDD "...has experienced severe erosion and gullyng at the bluff face due to cliff instability, water runoff, and uncontrolled use by off-road vehicles and hikers."

The applicants state that there are safety issues at the existing path at Poplar State Beach due to the joint use by pedestrians and horses that warrant the construction of the stairway. The applicants also note that vertical access at this location is closer to the project area than the vertical access at Redondo Beach Road previously recommended by Commission staff in the September, 2000 staff report and is in the vicinity of the vertical access identified in the Wavecrest PDD by the Wavecrest Restoration Project.

As an alternative to providing the beach access stairway at Poplar State Beach, the applicants propose to pay a proportional share of the cost of providing vertical access improvements at Redondo Beach Road. The proportional contribution would be based on the ratio of the Wavecrest Village Project residential subdivision acreage to the total acreage in the North Project Area of the Wavecrest Restoration Plan. The applicants have not specified the amount of funding proposed for such improvements.

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Issues Raised by the Proposed Vertical Access

The applicants propose:

- a subdivision of 156 parcels for 156 single-family residences in the northern residential area;
- a subdivision of 34 parcels for 34 single-family residences in the southern residential area;
- a subdivision of 35 parcels for 35 single-family residences in the mixed-use area;
- 46 affordable housing units;
- a middle school with the capacity for 1,150 students;
- a Boys and Girls Club for after-school and weekend uses;
- over 26 acres of sports fields and courts for public use (including a track, football field, six ballfields, four volleyball courts, four tennis courts, and 12 basketball courts);
- over 60 acres of open space and trails for passive recreation;
- 20 acres of mixed-use commercial and residential buildings and parking;
- two improved access roads from Highway 1 into the PDD and one improved segment of a third access road; and
- traffic improvements on Highway 1 at Smith Parkway (the Main Street extension), Wavecrest Road, and Redondo Beach Road.

Increased Demand for Public Access and Recreation Opportunities

The development of the Wavecrest Village Project will increase public use of the area. The beauty and convenience of its location, on a scenic coastal bluff and along the main corridors through the City (Highway 1 and Main Street), make it a desirable destination for residents and local and out-of-area visitors. As the proposed development formalizes and encourages outdoor activity, the development will draw more visitors than under current conditions. The development will also produce an increase in permanent regular users of the area by the creation of the 271 residential units and the Middle School. Assuming there are at least three people occupying each of these 271 homes, the proposed development will result in an increased burden of at least 813 people on existing access and recreational facilities. The development will therefore intensify the use of the project area and the Wavecrest PDD. This significant increase in use impacts the ability of the project area to accommodate public shoreline access and recreational needs. Specifically, the increased demand for beach access and recreational opportunities generated by the proposed development will increase the use of existing informal vertical accessways in the Wavecrest PDD, adversely affecting coastal resources. This significant adverse impact must be mitigated by the provision of vertical access. In addition, the existence of informal beach access trails created by frequent public use around the Wavecrest Village Project area indicates that adequate formal access from the bluff to the beach does not exist in the Wavecrest PDD for the current level of use. The informal trails are located on steep bluff faces 40 feet in height or taller. Continued use of these unplanned trails may potentially destroy coastal vegetation such as the California wild strawberry, identified in the LCP as a unique species found on bluffs in the Wavecrest PDD. Access to the beach using these trails also contributes to bluff erosion and presents a public safety hazard. The development proposed under the Wavecrest Village Project will increase the use of informal beach access trails and accelerate the deterioration of these trails. The inability to use the deteriorated trails will prompt the public to create new informal trails to the beach. Given that the proposed development will cause significant adverse impacts to coastal resources, the project must provide formal vertical

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access from the bluff to the shoreline consistent with public safety and the protection of fragile coastal resources.

Proposed Vertical Access at Poplar State Beach is Insufficient to Meet LCP and Coastal Act Requirements

The applicants propose to fulfill the LCP requirement to provide vertical access from the bluffs to the beach by constructing a stairway at Poplar State Beach. This vertical access would be closer to the project area than the vertical access at Redondo Beach Road recommended by staff in the September 2000 staff report and would be in the vicinity of the vertical access identified in the Wavecrest Restoration Project. However, the proposed accessway at Poplar State Beach would not offset the increased demand for public beach access resulting from the proposed development because public beach access already exists at this site. The Poplar State Beach accessway is already an established public access point, with paved parking and overlook benches. The proposed stairway will not alleviate the need for **new** vertical beach access in the area. Thus, as proposed, the development would be inconsistent with LUP/Coastal Act Policy 30252 requiring the location and amount of new development to assure that recreational needs of new residents will not overload nearby coastal recreation areas. Furthermore, the LCP contains specific policies requiring the development of vertical public access within the Wavecrest PDD. The vertical accessway proposed at Poplar State Beach is outside of the Wavecrest PDD and therefore does not carry out these requirements.

Proposed Fair Share Contribution is Insufficient to Meet LCP and Coastal Act Requirements

As an alternative to the construction of the Poplar State Beach accessway, the applicants propose to pay an unspecified fair share for the cost of designing and installing vertical access improvements at the western end of Redondo Beach Road. The applicant bases the “fair share” contribution towards the future development of the vertical beach access improvements on the ratio of the Wavecrest Village Project residential subdivision acreage to the total acreage in the North Project Area of the Wavecrest Restoration Plan. However, such a monetary contribution would not result in vertical access improvements in a timely manner or mitigate the increase in public use of the site generated by the proposed project. Furthermore, the applicants cannot guarantee that the vertical access will be constructed at the end of Redondo Beach Road at all. Thus, there is no assurance that a vertical accessway will ever be met at the site. Because vertical public access must be constructed before impacts to the site and increased visitation as a result of the proposed project begin, the proposed funding of a future vertical accessway to the beach is inconsistent with LCP Policy 9.3.6(g), which requires new development in the Wavecrest PDD to construct vertical accessways from the bluff to the beach near the end of designated beach access routes. In addition, because such vertical access should be related to the increased demand on access and recreation caused by the number of residential units rather than the area such units will occupy, the proposed access contribution is not related in nature and extent to the development impacts and is also inconsistent with LUP/Coastal Act Policy 30212, which requires new development to provide public access from the nearest public roadway to the shoreline and along the coast unless inconsistent with public safety or the protection of fragile coastal resources, or where adequate access exists nearby.

LCP and Coastal Act Requirements for Vertical Access in the Wavecrest PDD

LUP Policy 9.3.6(g) requires as part of any new development that vertical accessways shall be constructed to the beach from the bluff near the end of designated beach routes in the Wavecrest PDD, with a potential third accessway to the beach approximately equidistant between the two primary access routes in the PDD. According to LUP Policy 2-16, the Access Improvements Overlay Map, and the Wavecrest Restoration Plan in the LUP, the designated primary beach access routes in the PDD are the extension of Main Street (veering northward and ending at the Seymour Street right-of-way) and Redondo Beach Road (**Exhibits 24 and 17**). These are also the two designated beach access routes referenced in LUP Policy 9.3.6(h), which requires, as a part of any new development in the Wavecrest PDD, the improvement of the two routes along the alignments shown on the Overlay Map and Restoration Plan or along new alignments designed to afford equivalent access opportunities. The designated beach route depicted by the Smith Parkway/Main Street extension ends at the bluffs in the project area. As discussed above, the bluffs in the project area have resource and safety constraints that deter construction of a vertical accessway from this location. A potential accessway south of the proposed project's blufftop area in the approximate equidistant region between the Seymour Street right-of-way and Redondo Beach Road is located outside of the project area where the applicants do not have a legal interest to propose the vertical accessway. The proposed improvement of Wavecrest Road, despite its provision of parking for public access purposes, does not provide parking associated with a vertical beach accessway.

Opportunity for Beach Access at Redondo Beach Road

The vicinity of the end of Redondo Beach Road, however, presents the only feasible location for the applicant to provide vertical access within the PDD and in proximity to the proposed development. Redondo Beach Road is a partially improved City street, currently used by the public to access a dirt parking area at the end of the road and informal trails along the blufftop and to the beach. It is one of the primary beach access routes with a vertical accessway to the beach contemplated by the LCP. No stairways or formal accessways to the beach exist at this location. Instead, informal trails immediately west of the dirt parking area are on steep and eroding bluffs, posing a danger to public safety. As an alternative to using these hazardous trails, some persons apparently enter the arroyo approximately 1,000 feet north of the parking area and walk down the slopes approximately 300 feet to the beach. Since the City and County own paper streets and parcels between Redondo Beach Road and the arroyo in the area of the westernmost dirt trail, it is possible that a trail leading to the arroyo could be located on mostly public property, with the exception of the one landowner that owns the parcel adjacent to the arroyo. Given that the implementation of public access is feasible on public property, and that the vertical access appears to be most desirable through the arroyo, it is feasible for the applicants to consider providing access to the beach from Redondo Beach Road at this location (**Exhibit 25**). However, since a trail and vertical accessway through the arroyo will be subject to an agreement with the private landowner to allow such improvements on the portion of the trail that would be located on private property, the applicants may also provide alternative routes to the beach from Redondo Beach Road.

The Commission therefore imposes **Special Condition 11**, requiring the applicants to obtain authorization from the Commission for public vertical accessway improvements from the end of Redondo Beach Road to the beach. **Special Condition 11** requires that prior to issuance of the

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permit, the applicants must obtain approval from the Commission of an amendment for a beach access plan that includes the construction of a stairway, ramp or combination of stairs and ramps to the beach; the provision of public beach access signage at the intersection of Redondo Beach Road and Highway 1; and a plan for improvements to the existing parking lot at the end of Redondo Beach Road that would provide 50 public access parking spaces. The condition requires the applicants to propose alternatives for vertical access improvements, including the vertical accessway through the arroyo generally depicted in **Exhibit 25**. As an alternative to constructing the improvements themselves, **Special Condition 11** allows the applicants to provide sufficient funding to the City to complete the trail, vertical accessway, and road improvements. As conditioned, the subject coastal development permit will not issue unless and until the applicants ensure development of vertical access improvements consistent with the requirements of this coastal development permit.

The requirements of **Special Condition 11** represent the most easily implemented and likely the least expensive option for vertical beach access in the Wavecrest PDD. The public access improvements imposed by the condition provide resource benefits that would otherwise not be realized. For instance, the provision of a vertical accessway would keep the public from trampling vegetation, thereby protecting blufftop habitat. The stairway or ramp would also reduce erosion of the bluff and would allow a safe way for the public to access the beach. The road, parking lot, and vertical access improvements would provide a new, formal access point to meet the demand for public access and recreation in the Wavecrest PDD resulting from the proposed development.

As conditioned, the proposed development would provide public access from the nearest public roadway to the shoreline and along the coast, consistent with LUP/Coastal Act Policy 30212. The improvement of the road is also consistent with LUP Policy 2-16, which requires the designation, signage, and improvement of Redondo Beach Road as a beach access route and with Zoning Code Section 17.40.095, which requires vehicular access to coastal resources to be provided where indicated on the Access Improvements Map of the City Local Coastal Plan. As conditioned, the project conforms with the requirement of LUP Policy 2-21 directing the State and County to encourage the construction of paths or stairs to the beach as shown on the Access Improvements Map. Furthermore, as conditioned, the project is consistent with LUP/Coastal Act Policy 30252 requiring the locations and amount of new development to assure that recreational needs of new residents will not overload nearby coastal recreation areas and to maintain and enhance public access to the coast by providing adequate parking facilities.

Although the applicants propose to dedicate and construct public access trails in the Wavecrest PDD, the applicants must guarantee that these public access mechanisms will be in place before public access use is increased in the project area. In order for the proposed project to guarantee public access benefits and avoid adverse impacts to public access and other coastal resources in the project area and Wavecrest PDD, the Commission imposes special conditions for the dedication and construction of all the trails and accessways in a timely manner, prior to commencement of construction of any of the residences, and for the posting of public access signage along lateral and vertical accessways.

The applicants propose a 200-space parking lot at the western end of Wavecrest Road. The lot would provide 15 parking spaces specifically designated for public access of the lateral trails in

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the project area. The remainder of spaces would be devoted to public use of the sports facilities. However, LUP Policy 2-17 requires the provision of improved State parking facilities generally as shown on the Access Improvements Map, with most of the parking located at the end of primary Beach Access Routes. The policy includes that no parking facility south of Kelly be designed to accommodate more than 50 cars. Although the parking lot in the Wavecrest PDD is proposed by private applicants (i.e., not the State), LUP Policy 2-17 applies to the proposed project because the Access Improvements Map designates parking within the project area. As proposed, the parking lot would have 150 more spaces than allowed under LUP Policy 2-17.

The LUP notes that the "lack of adequate parking facilities is the major limiting constraint on shoreline access and use of the beach in the City." The LUP further states:

...the scale of parking must be related to appropriate levels of recreational use along the shoreline and potential conflicts with existing residential neighborhoods. New, improved, and expanded facilities are proposed to be distributed along the entire shoreline in accordance with desirable levels of recreational area use.

LUP Policy 2-17 addresses the need to provide adequate parking for use of public recreational access facilities but to limit the size of the parking lots to prevent overburdening the area. However, as stated in the LUP, consideration must be given to the level of recreational use of an area. To support this, the City Zoning Code contains provisions for determining the number of off-street parking spaces for park or recreational use. Zoning Code Section 18.36.120 refers to Table A of Zoning Code Chapter 18-36 to establish one parking space for every 8,000 square feet of active recreation area within a park or playground, and one space per acre of passive recreation area within a park or playground.

The applicants propose 13.25 acres of turf and 3.15 acres of paved area in the sportsfields, including tennis, volleyball, and basketball courts, a running track, and ballfields, for a total of 16.4 acres of active recreation area in the middle school area. In addition, the sportsfields west of the middle school area offer 9.84 acres for baseball and softball. The total acreage of the active recreation area is 26.24 acres, or 1,143,014 square feet. As proposed, the project conforms with LUP Policy 9.3.6(d), requiring the development of at least 15 acres of community recreation in the Wavecrest PDD.

According to the zoning requirement, 143 off-street spaces must be provided for the courts and sportsfields. The applicants must also provide adequate public access parking for the approximately 82 acres of open space proposed in the project for passive recreation, even though the area is not located within a park or playground. Since Zoning Code 18.36.080 allows the off-street parking requirements listed in Table A to apply to similar uses, one space per acre of passive recreation as listed in 18.36.120 and Table A results in the need to provide 82 additional spaces exclusively for public passive recreational purposes. These public parking spaces could be provided at the proposed parking lot at the end of Wavecrest Road. The total number of parking spaces would be 225: 143 spaces to accommodate the sportsfields, and 82 spaces for users of the open space recreation areas. To conform with the Zoning Code requirements for parking, **Special Condition 12** requires the applicants to submit for the review and approval of the Executive Director a public parking plan providing a minimum of 225 public parking spaces at the end of Wavecrest Road and/or other areas within the project site to serve the active and passive recreation or access of the project site. The parking areas shall include signage to inform

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the public of the right to use the spaces for access and recreation purposes. Therefore, as conditioned, the proposed project conforms to the public access and recreation policies of the Coastal Act and LCP.

4.4.4 Conclusion

Section 30252 of the Coastal Act requires new development to assure that the recreational needs of new residents shall not overload nearby recreational access. LUP Section 2.2 acknowledges the need for careful consideration of the needs of the local community in light of increasing demands for coastal access and recreational opportunities by visiting populations. The LUP reinforces the importance of both providing access and recreation opportunities in the City and distributing visitation along the coast to protect natural resources.

Vertical public access improvements from Redondo Beach Road are necessary to prevent disturbance to vegetation on the bluff top and face. Formal vertical access improvements will curb uncontrolled access down the bluff face and into the arroyos of the Wavecrest PDD, thereby reducing bluff erosion, decreasing the occurrence of hazardous conditions, and protecting public safety. In addition, the increased demand for beach access and recreational opportunities generated by the proposed development will increase the use of existing informal vertical accessways in the Wavecrest PDD, adversely affecting coastal resources. This significant adverse impact must be mitigated by the provision of vertical access. The improvement of Redondo Beach Road, the vertical access from the end of Redondo Beach Road to the beach and the creation of adequately-sized formal parking lots will offset the increased use of lateral and vertical accessways.

As conditioned, the project conforms with the LCP and Coastal Act policies for public access and recreation. The Commission therefore finds that only as conditioned will the development conform with the public access policies of the Coastal Act and the LCP.

4.5 Visual Resources

4.5.1 LCP Standards

The LCP contains policies that require the protection of the City's visual resources. The LUP chapter on visual resources states:

Where development is appropriate, guidelines are required to protect the scenic quality of access routes to the beach, maintain the sense of openness characteristic of the City, preserve broad views of the ocean, and maintain a scenic corridor along Highway 1. The scenic quality of access routes to the beach should also be maintained and enhanced.

The City's LUP Policy 1-1 states:

The City shall adopt those policies of the Coastal Act (Coastal Act Sections 30210 through 30264) cited herein, as the guiding policies of the Land Use Plan.

Therefore, the City incorporates the Coastal Act policies as policies of the LCP.

Coastal Act Policy 30251 requires that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. The policy requires development to

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be sited and designed to protect public views to and along the ocean and scenic coastal areas and be visually compatible with the character of surrounding areas.

Chapter 9 of the LCP states that the purpose of the Planned Development District designation is to ensure that new development is consistent with policies protecting coastal resources. Like Coastal Act Policy 30251, LUP Policy 9-9 acknowledges the importance and value of the scenic and visual qualities of coastal areas and requires the protection of this sensitive coastal resource. LUP Policy 9-9 requires development in Planned Development designated areas to use flexible design concepts such as unit clustering and multiple dwelling types to protect the scenic quality of the site.

LUP Policy 9.3.6(m), specific to the Wavecrest PDD, requires that development be clustered to the maximum extent feasible.

LUP Policy 9.3.6(n) requires maximum consideration to be given to preserving the cypress and eucalyptus hedgerows at the west end of the L.C. Smith property in the northwestern portion of the project area.

Zoning Code Section 18.37.020 defines scenic corridors to include the Highway 1 corridor and scenic coastal access routes. The code also identifies Wavecrest Road as a secondary access route from Highway 1 to a minor parking facility for public access purposes.

Zoning Code Section 18.37.030 requires the protection and enhancement of public views within and from scenic corridors by requiring the design and siting of structures in the least publicly visible locations. The design and placement of structures must also be an appropriate distance from the Highway 1 right-of-way and scenic beach access routes, compatible with the environment, maintain natural features such as mature trees, and have low height above natural grade and/or not obstruct public views. Section 18.37.030 prohibits vegetation removal within roadway rights-of way, allows compatible landscaping in scenic corridors to enhance the visual quality of scenic corridors, and encourages the use of natural vegetation and low earth berms for screening, and permits clearing of vegetation to enhance the scenic quality of scenic corridors. The code also contains requirements for suitable landscaping and screening.

Zoning Code Section 18.37.050 lists landscape design standards for developments. It requires existing trees to be preserved where possible and the use of compatible and adaptable landscape vegetation. The code also contains guidelines for tree planting.

Discussion

Scenic Qualities of Site

The coast and scenery of Half Moon Bay attract residents and visitors alike. The combination of open space, small-town amenities, and proximity to the highly urbanized San Francisco Bay Area are uniquely characteristic of San Mateo County coastal cities. The LCP seeks to preserve these qualities in the City by imposing policies to protect its scenic resources from the impacts of development.

The Wavecrest Village Project area is located about 1 mile south of downtown Half Moon Bay and about 1.5 miles north of the boundary between the City and an unincorporated portion of San Mateo County. Main Street runs roughly parallel to and east of Highway 1, beginning at the

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intersection of Highway 1 north of Highway 92. Main Street ends at the intersection of Highway 1 and Purissima Road, directly across the Highway from the project area. The applicants propose to extend Main Street approximately 800 feet westward into the project area.

The viewshed in the Wavecrest Village Project area includes westward views of the coast and horizon, coastal bluff terrace, and eucalyptus, Monterey cypress, and other notable tree stands. The project area gradually slopes over a distance of about 4,000 feet, from approximately 81 to 85 feet in elevation above mean sea level (MSL) near the Highway 1 right-of-way down to around 65 to 70 feet MSL at the top of the coastal bluffs. Approximately 2,100 linear feet of the project area abuts the Highway.

Currently, views of the ocean across the project site are constrained by tree stands and existing development. However, the sea is visible from Highway 1 looking west and slightly north in the area of the Highway 1/Main Street intersection. The applicants propose to preserve this view by dedicating a wedge-shaped scenic easement over this portion of the project site (**Exhibit 4**). The proposed scenic corridor would be 90 feet wide at the intersection of Highway 1 and the proposed Main Street extension, broadening to about 200 feet at the western end of the Main Street extension. As conditioned, the scenic corridor would maintain visual access to the coast from Highway 1 and from the Main Street extension. Consistent with the applicants' proposal, **Special Condition 15** specifies that prior to issuance of the permit, the applicants must submit evidence that an irrevocable offer to dedicate a Scenic Corridor Easement has been executed and recorded in perpetuity over the proposed scenic corridor.

The applicants also propose to preserve the scenic qualities of the site by maintaining existing tree stands in the northern area of the project site, limiting the height of the development proposed closest to the highway, eliminating a sound wall from the plans as approved by the City, and preserving approximately 43 percent of the project site as open space.

The Commission finds that, as conditioned, the proposed development protects the scenic quality of the Wavecrest Village PDD, consistent with LUP Policies 9-9 and 9.2.6(m), Zoning Code Section 18.37.030, and Coastal Act Policy 30251.

4.6 Regional Cumulative Traffic Impacts

Regional Transportation Setting

Road access to the Mid-Coast region of San Mateo County including the City of Half Moon Bay is limited to Highways 1 and 92. Studies show that the current volume of traffic on these highways exceeds their capacity and that even with substantial investment in transit and highway improvements, congestion will only get worse in the future. As a result, the level of service on the highways at numerous bottleneck sections is currently and will in the future continue to be rated as LOS F (Dowling Associates, 1998; Caltrans, 1999). LOS F is defined as heavily congested flow with traffic demand exceeding capacity resulting in stopped traffic and long delays. This level of service rating system is used to describe the operation of both transportation corridors as well as specific intersections. LOS F conditions are currently experienced at certain intersections and at bottleneck sections of both highways during both the weekday PM peak-hour commuter period and during the weekend mid-day peak period (Wilson Engineering, 1998; Brady/LSA, 1999). The LCP contains policies that protect the public's

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ability to access the coast. Lack of available services is specified in the LCP as grounds for denial of the project or reduction in the maximum potential allowable density. The extreme traffic congestion on Highways 1 and 92 significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources in conflict with these policies.

The key reasons for this problem are that capacity increases to the highways are constrained both legally and physically and because there is a significant imbalance between housing supply and jobs throughout the region. Without any new subdivisions, there are approximately 2,500 existing undeveloped small lots within the City. Each of these lots could potentially be developed with at least one single-family residence. Even with the City's Measure A, 3-percent residential growth restriction in place, this buildout level could be reached by 2010. If the Measure D one percent growth restriction approved by Half Moon Bay voters in November 1999 is implemented through an amendment to the LCP (litigation challenging the measure is currently pending), the rate of buildout would be slowed, but neither of these growth rate restrictions change the ultimate buildout level allowed.

The Local Coastal Programs of Half Moon Bay and San Mateo County predict substantial future residential growth in both jurisdictions, thus contributing to additional congestion on the highways. For instance, the Half Moon Bay LCP predicts that additional housing units in Half Moon Bay will increase over the next twenty years by 100 percent or more (an increase of 4,495 or more units in comparison to the 3,496 units existing in 1992). According to regional predictions contained in the San Mateo County Countywide Transportation Plan Alternatives Report, even with maximum investment in the transportation system, traffic volumes on both highways are predicted to be far in excess of capacity, if residential and commercial development proceeds as projected.

The County's Congestion Management Plan (CMP) concludes that a major factor contributing to existing and future traffic congestion throughout the County is the imbalance between the job supply and housing (CCAG 1998). In most areas of the County, the problem is caused by a shortage of housing near the job centers, resulting in workers commuting long distances from outside the County. In these areas, the CMP recommends general plan and zoning changes designed to increase the housing supply near the job centers of the County. In accordance with the projections contained in the CMP, buildout of the currently existing lots within the City of Half Moon Bay would exceed the needed housing supply for the area by approximately 2,200 units, contributing to significantly worse congestion on the area's highways. Simply put, the capacity of the regional transportation network cannot feasibly be increased to the level necessary to meet the demand created by the development currently allowable under the City and the County land use plans.

Approximately 2,529 vacant residential lots already exist within the City of Half Moon Bay. Approval of the creation of additional residential lots through new subdivisions would only contribute to a long-term worsening of traffic congestion and a consequent limitation on the ability of the general public to reach area beaches and shoreline for priority visitor-serving and recreational purposes. Thus, any new subdivision that would result in an increase in residential lots is inconsistent with the City of Half Moon Bay LCP transportation, access and public

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services policies. As such, proposals to create new residential lots in Half Moon Bay must be denied.

The current traffic volumes on the two highways that serve the San Mateo County Mid-Coast region already exceed roadway capacity. The resulting traffic congestion significantly interferes with the public's ability to access the coast. Further exacerbating this problem are the facts that (1) the capacity of Highway's 1 and 92 cannot feasibly be increased to meet even current demand, and (2) that buildout of the existing supply of developable lots in the region allowable under the City and County LCPs is expected to greatly increase traffic volumes on these highways over the next 10 years.

The most recent Countywide Transportation Plan predicts far greater congestion on these two corridors by 2010, stating "in 2010 the most congested corridor [in San Mateo County] will be Western 92" (C/CAG 2000). This report projects increases in the traffic volumes of 197- and 218-percent on Highways 1 and 92 respectively in the Mid-Coast region, and attributes these increases to "the anticipated levels of new development on the Coastside and the continued pattern of Coastsiders out-commuting to jobs in San Francisco and on the Bayside." This latest report serves to corroborate and underscore the findings of all of the previous traffic studies conducted in the region over the past three decades that Highways 1 and 92 in the Mid-Coast Region are not adequate to serve either the current or the expected future demands of development.

The Half Moon Bay LCP specifies that new development shall not be permitted in the absence of adequate infrastructure including roads. LUP Policy 9-2 states in relevant part:

No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities... [Emphasis added.]

LUP Policy 9-4 states in relevant part:

Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources are available to serve the proposed development... Lack of available services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan. [Emphasis added.]

LUP Policy 10-4 states:

The City shall reserve public works capacity for land uses given priority by the Plan, in order to assure that all available public works capacity is not consumed by other development and control the rate of new development permitted in the City to avoid overloading of public works and services.

The LCP also adopts Coastal Act Section 30252 as a guiding policy, which states in relevant part:

The location and amount of new development should maintain and enhance public access to the coast....

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Market-rate Housing

The proposed development includes the creation of 225 new lots for the construction of market-rate single-family residences. This market-rate residential development would include 156 homes in the Northern Residential Neighborhood and 34 in the Southern Residential Area (**Exhibit 4**). The proposed increase in high-cost market-rate housing would contribute to the regional job/housing imbalance with significant cumulative impacts to public access due to its contribution to traffic congestion on the area's highways. The applicants propose to offset this impact by permanently retiring the development rights for 206 existing legal lots in the Redondo View Subdivision (**Exhibit 26**).

The proposed retirement of existing legal lots in the project area as mitigation for the proposed creation of new "market-rate" lots is generally consistent with the mitigation required by the Commission in its February 2001 action on the Pacific Ridge Subdivision in Half Moon Bay. However, in that case, the Commission required the applicant to retire the development rights on an equal number of existing legal lots as that proposed to be created through the subdivision. The effect of the required mitigation for the Pacific Ridge project was to prevent any net increase in legal lots in the Mid-Coast region. By retiring the exact number of lots the applicant proposed to create for market rate residences on a 1:1 basis, the applicant will eliminate the equivalent level of traffic impact created by the development. As discussed below, the Commission finds that to adequately mitigate the regional cumulative impacts to public access and recreation caused by the traffic generated by the proposed market-rate residential development, the applicants must permanently retire the development rights on an equivalent number of existing legal lots in the Mid-Coast region.

As proposed, the development would create 225 market-rate single-family residences, and retire 206 existing legal lots in the Redondo View Subdivision, with a net increase of 19 lots. Consequently, the project as proposed would not adequately offset its contribution to regional traffic congestion and would result in significant adverse cumulative impacts to public access and recreation. Therefore, **Special Condition 17** requires the applicants, prior to issuance of the coastal development permit, to either: (1) reduce the number of new lots for market-rate residential development to 206, or (2) retire the development rights for an additional number of existing legal lots in the Mid-Coast Region, up to a maximum of 19, and equal to the number of new lots over 206 that are to be created for the construction of market rate single-family residences. Each mitigation lot must be an existing legal lot or combination of contiguous lots in common ownership and must be zoned to allow development of a detached single-family residence.

Lot retirement is not dependent on the existence of an established transfer of development rights (TDR) program, but can feasibly be undertaken by an individual developer in the absence of any such program. Even so, the City has included the development of a TDR program in its work program for the LCP update, and the Commission awarded assistance grant funding for this work program in December 2000. In its December 15, 2000 preliminary assessment to the City of the feasibility of establishing a TDR program, the City's consultant identified 663 parcels and 1,453 potential transfer or donor sites in four PUD districts in the City. These sites were identified as particularly desirable donor sites for a TDR program to achieve a number of planning goals.

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Under the Malibu/Santa Monica Mountains TDC program, the development credit attributed to any donor lot is based on the lot's development potential under current zoning. In calculating development potential, the program considers several factors including lot size, availability of services, presence of environmentally sensitive habitat areas, and slope intensity. Substandard lots without road or water services do not qualify for a full credit. Thus, under the Malibu program, more than one substandard lot is required to offset the impacts of the creation of one new developable lot. The Commission has found this credit system is necessary to ensure that the retired lots fully offset the impacts of new subdivisions.

However, the retirement of existing legal lots on a 1:1 basis for the number of new lots created to support market rate residences at any location within the Mid-Coast region, including both infill lots and paper subdivisions, would be sufficient to mitigate the significant adverse cumulative impacts of the proposed subdivision. By retiring the exact number of lots for market rate residences the applicants propose to create on a 1:1 basis, the applicant will eliminate the equivalent level of traffic impact the market rate residences are creating. Since development anywhere within the San Mateo County Mid-Coast contributes to traffic congestion on Highways 1 and 92, retirement of lots anywhere in this region would mitigate the impacts of the proposed market-rate development. Thus, in addition to the donor sites identified in the City's preliminary assessment, the proportional retirement of any of the several thousand existing undeveloped lots within the Mid-Coast region would serve to mitigate the cumulative impacts of the proposed project. Many of these existing lots are in "paper subdivisions" the development of which would likely result in significant impacts to coastal resources, including wetlands and other environmentally sensitive habitat areas.

Imposing this lot retirement requirement as a condition of approval for the proposed subdivision is not only consistent with the Commission's recent action on the Pacific Ridge Development, but with past Commission actions dating back over 20 years. The Commission first imposed such a requirement in 1978 as a condition of a coastal development permit for a small lot subdivision in the Santa Monica Mountains to mitigate for significant adverse cumulative impacts on public access to and along the coast due to severe traffic congestion on Highway 1 (see **Exhibit 27**). The Commission took this action prior to the creation of the Malibu/Santa Monica Mountains TDC program. In fact, the Commission's action in 1978 provided a major impetus for the formation of the Malibu/Santa Monica Mountains TDC program.

For all of these reasons, the Commission finds that the proportional retirement of legal lots that may support development of market-rate housing in the Mid-Coast region is essential to achieve consistency of the project with the Half Moon Bay LCP. The Commission finds that as conditioned to ensure no net increase in legal lots potentially available to support market-rate residential development in the Mid-Coast region, the proposed market-rate residential development is consistent with the public access and public recreation policies of the LCP and the Coastal Act.

Affordable Housing

In addition to the proposed subdivision and construction of 225 market-rate single-family residences, the applicants propose to construct 46 affordable housing units. Thus, the Commission must consider the regional cumulative traffic impacts of the proposed affordable housing development.

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In the Mid-Coast area of the County, the job/housing imbalance is the reverse of the rest of the County. In other areas of the County, an abundance of high paying jobs and a shortage of housing leads to in-commuting. Whereas, in the traffic congestion in the Mid-Coast is the result of too few high paying jobs and too many expensive homes. The employers in the Mid-Coast are primarily hotels, restaurants, small retail shops and boutiques, and local police, fire, public school, and parks districts. The area also continues to support agriculture generating a demand for farm labor. These jobs, typical of the Mid-Coast, generally support persons of low and moderate incomes. However, there is a severe shortage of housing in the region that is affordable to such persons. As a result, persons employed in the Mid-Coast must commute into the region from the north via Highway 1 and the east via Highway 92. Thus, although the most significant traffic congestion on these highways is caused by the commute out by Mid-Coast residents to higher paying jobs in Silicon Valley and San Francisco, the “reverse commute” into the Mid-Coast by persons employed in the area also contributes to the regional traffic congestion.

There is no evidence in the record to support the conclusion that the supply of lower paying jobs, particularly in the service sector, will diminish in the Mid-Coast. Thus, the rate of in-commuting to the Mid-Coast for the lower paying jobs available in the region can only be reduced by increasing the supply of housing affordable to the people employed in the region. The proposed affordable housing development would increase housing opportunities for persons employed in the region, and therefore reduce the regional cumulative traffic impacts caused by in-commuting.

Although the proposed development would increase the opportunities for Coastside workers to live near their jobs, the development does not guarantee that some residents of the affordable units will not commute to jobs outside of the region. As discussed above, any increase in out-commuting would contribute to the already severe traffic congestion on the area highways with significant cumulative impacts to coastal access and recreation. Nevertheless, the provision of affordable housing on the coast is consistent with the need to resolve the area’s jobs/housing imbalance. The overall effect of correcting the jobs/housing imbalance would be a reduction in congestion on Highways 1 and 92. Thus, the Commission finds that the effect of the proposed affordable housing development to help correct the Mid-Coast jobs/housing imbalance is more than adequate to offset the potential impacts of any increase in out-commuting from these units.

However, the Commission can only support this determination if the units remain affordable in perpetuity. As discussed in Section 4.7 of this report, the housing policies contained in the City Zoning Code require the applicants to enter into an affordable housing agreement with the City and to record a deed restriction to ensure that the affordable housing units remain affordable as defined pursuant to Zoning Code Section 18.35.015 in perpetuity. **Special Condition 18** requires the applicants to comply with these requirements. Although this condition is intended primarily to ensure that the proposed development conforms to the housing policies of the certified LCP, it will also prevent the future increase in traffic impacts due to out-commuting associated with the conversion of the affordable units to market rate. Therefore, the Commission finds that, as conditioned, the proposed affordable housing development is consistent with the public access and public recreation policies of the LCP and the Coastal Act.

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4.7 Housing

The applicants propose to construct 46 affordable housing units. The proposed affordable housing includes 28 town homes affordable for persons of moderate income located within the mixed-use area and an 18-unit apartment building for very low income households near the Boys and Girls Club south of Wavecrest Road (**Exhibit 4**).

LUP Policy 9.3.6(b) requires that at least 20 percent of the residential units developed within the Wavecrest PUD must be affordable to persons of low and moderate income. This LUP policy is implemented through Zoning Code Sections 18.35.010 through 18.35.060. As discussed below, the imposition of **Special Condition 18** will ensure that the proposed development conforms with these affordable housing policies and standards of the Half Moon Bay LCP.

Zoning Code Section 18.35.020.A, implements the requirement of LUP Policy 9.3.6(b) that 20 percent of the residential units developed in the Wavecrest PUD are affordable for persons of low and moderate incomes stating:

*A minimum of twenty percent (20%) of the **total number of dwelling units** in all developments of ten or more units shall be priced at levels which are affordable to Low and Moderate Income households as defined in this Chapter and the Housing Element.*
[Emphasis added.]

The applicants propose to construct a total of 271 new housing units. Of this total, 46 units are proposed as affordable housing. The 46 affordable units proposed represent only 17 percent of the 271 total. Thus, the proportion of market rate to affordable housing units as proposed by the applicants is insufficient to satisfy Zoning Code Section 18.35.020.A. Therefore, the Commission imposes **Special Condition 18** requiring the applicants to submit for the review and approval of the Executive Director, prior to issuance of the permit, revised plans demonstrating that a minimum of 20 percent of the total number of dwelling units to be developed shall be priced at levels which are affordable to Low and Moderate Income households as defined by Zoning Code Section 18.35.015.

In accordance with Zoning Code Section 18.35.025, the affordable housing requirements for the proposed development must be implemented under an Affordable Housing Agreement between the applicants and the city and this agreement must be recorded against the affected property. To ensure that the subject housing units remain affordable for the life of the development and conform to all other applicable housing policies in the LCP, **Special Condition 18** requires the applicants, prior to issuance of the permit, to submit evidence for the review and approval of the Executive Director that they have executed and recorded an Affordable Housing Agreement with the City that is consistent with the provisions of Zoning Code Sections 18.35.015, 18.35.020, 18.35.025, 18.35.050, and 18.35.055. In addition, in order to ensure that the affordable housing units remain affordable in perpetuity as a condition of the CDP and to provide future owners of the property notice of the affordable housing restrictions, the applicants must execute and record a deed restriction reflecting all applicable restrictions on the deed of the property governed by Coastal Development Permit A-1-HMB-99-051.

4.8 California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

The Commission incorporates its findings on LCP consistency at this point as if set forth in full. The proposed project has been conditioned in order to be found consistent with the access, visual, environmentally sensitive habitat area, water quality, wetlands, housing, and traffic policies of the certified LCP, and the access and recreation policies of the Coastal Act and to minimize all adverse environmental effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the certified LCP and Coastal Act and to conform to CEQA.

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EXHIBITS

1. Regional map
2. Vicinity map
3. Project location map
4. May 2001 site plan
5. Geographical area names and location of red-tailed hawk nest
6. 4/6/01 Project description submitted by the applicant
7. 5/23/01 Project description submitted by the applicant,
8. 5/29/01 Project description clarification submitted by the applicant
9. 5/31/01 Project description modification submitted by the applicant
10. General wetland area filled for restoration purposes (former agricultural pond)
11. General wetland area filled for restoration purposes
12. Drainage ditch route through project area
13. Proposed wetland restoration in Central Area
14. Existing Vegetation Map
15. 12/00 Letter from Gary Deghi
16. 05/01 Letter from Gary Deghi
17. Wavecrest Restoration Plan
18. 5/29/01 Letter from Alvaro Jaramillo
19. Affordable housing and Boys and Girls Club sites
20. Proposed detention basin in Western project area
21. Memorandum of Understanding Between the Commission and the City of Half Moon Bay
22. Proposed Public Lateral Access routes
23. Redondo Beach Road Between Occidental and Highway 1 on APN Map of Existing Parcels
24. Half Moon Bay Land Use Plan Access Improvements Map
25. Potential lateral and vertical access from Redondo Beach Road
26. Redondo View Antiquated Subdivision
27. 4/25/96 staff report for Transfer of Development Credit in Malibu/Santa Monica Mountains
28. 4/5/01 Water treatment report
29. 4/01 Wetland Restoration Plan Description

APPENDICES

- A. Substantive File Documents
- B. LCP and Coastal Act Policies

CORRESPONDENCE

1. 5/21/01 letter from Larry Kay
2. 5/31/01 letter from Michael Ferreira